Attachment No. 7

Exhibit LRP2003-00004 and G030013M:F
CEQA Findings

EXHIBIT 3a – ENVIRONMENTAL DETERMINATION

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the Shandon Compact Development Alternative Update may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The FEIR addresses potential impacts on: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Drainage, Erosion and Sedimentation, Geologic Hazards/Site Alteration, Land Use, Noise, Public Safety, Public Services and Utilities, Recreation, Transportation and Circulation, Water and Wastewater, and Greenhouse Gas Emissions. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Agriculture, Air Quality, Cultural Resources, Land Use, Noise, Public Services and Utilities, Transportation and Circulation, and Greenhouse Gas Emissions. See Exhibit 3b for specific CEQA Findings and overriding considerations.

EXHIBIT 3b – CEQA FINDINGS AND OVERRIDING CONSIDERATIONS

I. PROJECT DESCRIPTION

The Compact Development Alternative would allow for the development of up to 1,064 new residential units and 899,000 square feet of new commercial development. Table 3b-1 summarizes land uses of the Compact Development Alternative.

Residential Land Uses. Residential land uses in the Compact Development Alternative include: Residential Suburban (1 to 5 acres per dwelling unit), Residential Single Family (mixed densities from 2 to 12 units per acre), Residential Multi-Family (13 to 20 units per acre), and Mixed Use (commercial uses combined with residential).

As shown in Table 3b-1, up to 1,064 new residential units could be accommodated in the proposed 20-year growth boundary compared to 373 existing units (336 of which are within the existing URL), for a total of 1,437 units. Upon buildout of the Compact Development Alternative, the population of Shandon would be approximately 5,260.

Table 3b-1 Compact Development Alternative Land Use Summary

Land use	Acres	Percent of Total Area	Units/ Acre[1]	Existing Units	Potential New Units	Total Population[2]	Total New Non Res. SF
Residential Suburban (RS)	13	0.6%	<1	11	35	168	-
Residential Single Family	191	9.2%	5.6	286	588	3,199	-
Residential Multi Family	16.6	0.8%	17.5	2	242	893	-
Commercial Retail (CR)	23.7	1.1%	-	10	-	37	156,500
Commercial Service (CS)	55.6	2.7%	-	1	-	4	491,800
Comm. Service/Res. (CS/R)[4]	4	0.2%	13	-	33	121	35,600
Mixed Use (MU)	26.4	1.3%	10	52	149	736	215,100
Public Facilities (PF)	35	1.7%	-	-	-	-	-

Table 3b-1 Compact Development Alternative
Land Use Summary

Land use	Acres	Percent of Total Area	Units/ Acre[1]	Existing Units	Potential New Units	Total Population[2]	Total New Non Res. SF
Recreation (REC)	25	1.2%	-	-	-	-	-
Open Space (OS)	373	17.9%	-	-	-	-	-
Residential Rural (RR)	91.7	4.4%	-	-	-	-	-
Agriculture (AG)	1111	53.4%	-	11	17	102	-
Streets, Trails, etc.	115	5.5%	-	-	-	-	-
Subtotal	*2081*	*100%*	*-*	*373*	*1064*	*5,260*[3]	*899,000*
Total	**2,081**	**-**	**-**	**1,437**		**5,259**	**899,000**

1. Units per acre represent typical or average residential densities for proposed units.
2. Total population is based on an average of 3.66 persons per household and includes both existing and potential new units within the URL. Population calculations are rounded up such that portions of a person are included.
3. The total population differs from the subtotal population due to rounding inaccuracies. Total population is based on total units (1,437) and 3.66 persons per unit.
4. The CS/R area to be initially reserved for commercial service type uses only. At the time other commercial service land of equal or greater size within the 20-year growth boundary becomes available, this area may be developed with a mix of residential and commercial uses. The potential number of multi-family dwelling units may be less, if a commercial service project is developed on this site.

Commercial Land Uses. The Compact Development Alternative provides for commercial growth in the Shandon area through the designation of additional commercial land uses. These areas are identified as Commercial Retail, Commercial Service, Commercial Service/Residential (for additional flexibility in uses), and Mixed Use. The Compact Development Alternative provides flexibility by allowing Shandon the ability to grow into its commercial areas as needed, while also allowing for some of the commercial areas to be used for non-commercial purposes if conditions warrant. Vacant or underdeveloped parcels on the interior of the community would see an increase in density so as to promote compact development.

The Commercial Retail land use areas would accommodate up to 156,500 square feet of space for retail businesses, offices, medical facilities, limited services, and other civic and public assembly uses. Three types of Commercial Service areas are envisioned under the Compact Development Alternative, including visitor-serving and highway commercial uses, job centers and service businesses, and offices and limited retail. This would result in up to 491,800 square feet of Commercial Service space. In addition, the Compact Development Alternative would accommodate up to 35,600 square feet of Commercial Service Residential, which is identified as a flexible land use area for Commercial Service and/or residential land uses. The Mixed Use areas would accommodate up to an additional 215,100 square feet of uses that are similar to those in the Commercial Retail areas, but that are generally not parking lot-dependent.

To accommodate these land use changes, the Compact Development Alternative would expand the existing Urban Reserve Line to a proposed 20-year growth boundary, as shown in Figure 6-1 in Section 6.0, *Alternatives,* of the Final EIR.

II. THE RECORD

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission relating to the propose project includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearings on the program.

2. The Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR (February 2011).
3. The Compact Development Alternative and Staff Report prepared for the Planning Commission.
4. Public Workshop on the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Draft EIR at C.W. Clarke Memorial Park Clubhouse, Shandon, June 7, 2010;
5. Matters of common knowledge to the Commission which it considers, such as:
    a. The County General Plan, including the land use maps and elements thereof;
    b. The text of the Land Use Element;
    c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
    d. The County of San Luis Obispo Environmental Quality Act Guidelines;
    e. The Clean Air Plan;
    g. The San Luis Obispo County Public Facilities Financing Plan;
    h. San Luis Obispo Council of Governments Long Range Socio-Economic Projections
    j. The Countywide Growth Management Ordinance;
    k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
    l. Additional documents referenced in the Final EIR for the program.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission certifies the following with respect to the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR:

A. The Planning Commission has reviewed and considered the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR.

B. The Final Environmental Impact Report for the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project has been completed in compliance with the California Environmental Quality Act.

C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Compact Development Alternative.

D. The Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. Aesthetics (Class III) – No Class III impacts.

B. Agricultural Resources (Class III) – No Class III impacts.

C. Air Quality (Class III)

1. **Impact AQ-3: Clean Air Plan Consistency.** The San Luis Obispo Council of Governments (SLOCOG) estimates that in 2030 the population of Shandon will be 5,265. The population projections used in the Clean Air Plan (CAP) are based on SLOCOG projections. Because the Compact Development Alternative would result in a population of 5,259 residents, it would be consistent with the development assumptions in the CAP. Impacts related to CAP consistency would therefore be Class III, less than significant.

D. Biological Resources (Class III) – No Class III impacts.

E. Cultural Resources (Class III)

1. **Impact CR-3: Impacts to Paleontological Resources.** Implementation of the Compact Development Alternative would result in urban development within the 20-year growth boundary. This area encompasses surficial outcrops (alluvium, landslide deposits) and underlying strata of the Paso Robles Formation. The surficial outcrops consist of recent and older (Pleistocene) alluvium deposits interspersed with recent Quaternary landslide deposits, neither of which have known documented fossil resources. The Paso Robles Formation has yielded two documented localities, both of which occurred in Monterey County to the north and were of poor quality. Therefore, there is a negligible likelihood of paleontological resources within the Study Area.

F. Drainage, Erosion and Sedimentation (Class III)

1. **Impact DR-1: Construction-Related Erosion, Sedimentation, and Pollutant Discharges.** Construction activity that would occur over the 20-year buildout horizon could cause temporary, short-term impacts to water quality. Grading and construction operations in association with development under the Compact Development Alternative have the potential to increase erosion and sedimentation to area drainages, which, if uncontrolled, could cause a substantial impact to water quality. However, regulations under the federal Clean Water Act require compliance with the State's National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for projects that would disturb greater than one acre during construction, or for projects that are smaller than one acre but part of a common plan of development. Compliance with the NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains specific actions, termed Best Management Practices (BMPs), to control the discharge of pollutants, including sediment, into the local surface water drainages. Compliance with the NPDES program and compliance with county grading and storm water ordinances would ensure Class III, less than significant impacts for the Compact Development Alternative.

2. **Impact DR-3: Flood Hazards.** Based on a review of FEMA Flood Insurance Rate Maps, 100-year flooding from Cholame Creek, San Juan Creek, McMillan Canyon Creek, and the Estrella River would primarily impact areas designated as Open Space as well as a small portion of land designated as Agriculture under the Compact Development Alternative. The Open Space designation would prohibit new development in those areas, thereby avoiding flood-related hazards. However, agriculturally related structures or single family homes could be developed in the areas designated for Agriculture. Placing residences within the 100-year flood hazard area could pose a threat to any inhabitants as well as both upstream and downstream properties as floodwater could be diverted or backed up as a result of the structures in the floodplain area. However, the Compact Development Alternative Community Plan includes the following policies and development standards designed to address this potential hazard:

    - Development within the 100-year floodplain is prohibited, unless it is an exempt structure or there are no reasonable alternative locations on the subject property to build.
    - If development is to occur within the 100-year floodplain, a site-specific hydrological study shall be done. The site and building design should incorporate recommendations of the hydrological study and ensure that structures do not impede or restrict water flows in the 100-year floodplain or encroach the floodway.

    Compliance with the above Compact Development Alternative Community Plan policies, which would be a condition of approval for future development, would ensure that potential flood hazards remain Class III, less than significant.

G. Geologic Hazards/Site Alteration (Class III)

1. **Impact G-1: Ground Shaking Hazards**. Strong seismic ground shaking could pose risks to people and structures within the Compact Development Alternative Study Area. However, the 2007 California Building Code (CBC) requires that the design and construction of new structures be engineered to withstand the expected ground acceleration that may occur. New development in accordance with the Compact Development Alternative would conform to the CBC (as amended at the time of permit approval) as required by law. Proper engineering, including compliance with the CBC, would minimize the risk to life and property. Impacts to new development from groundshaking would therefore be Class III, less than significant.
2. **Impact G-3: Landslide Hazards.** The Study Area is predominantly comprised of flat or level topography. The majority of the proposed 20-year growth boundary has a low potential for landsliding hazards. However, localized areas of instability exist in the easterly adjacent slopes, and one Quaternary landslide is mapped east of the eastern terminus of West Centre Street. The Compact Development Alternative would eliminate development in this area (the Fallingstar Phase II property, which will remain designated Agriculture), and would therefore reduce this impact to less than significant, Class III.

H. Land Use (Class III)

1. **Impact LU-4: Population Generation.** The *Update to Long Range Socioeconomic Projections* (SLOCOG, May 2009) presents forecasts of population between 2008 and 2035 for all of San Luis Obispo County, including

the community of Shandon. SLOCOG forecasts Shandon to have a population of 5,265 residents by 2030. Buildout of the Compact Development Alternative in 2030 would result in a total population of 5,259 residents within the proposed 20-year growth boundary. SLOCOG population forecasts would not be exceeded and impacts related to population would be Class III, less than significant.

2. **Impact LU-5: Housing/Population Displacement.** Compact Development Alternative buildout would accommodate up to 1,064 additional residential units in the Shandon community. Much of these new residential areas would be "infill" development that would occur within already developed areas. The remainder of new development would be adjacent to existing developed areas. Although some existing residences may be replaced by new residential development, a "substantial" displacement of existing housing or residents would only occur if allowed land uses displace more residences than what is accommodated through the proposed development. The Compact Development Alternative would accommodate 1,064 new residences, which is more than the 373 existing units in the Study Area. Therefore, implementation of the Compact Development Alternative would not result in the displacement of substantial numbers of people or housing. As such, impacts would be Class III, less than significant.

I. Noise (Class III)

1. **Impact N-1: Agricultural Operations Noise.** The proposed Compact Development Alternative would locate sensitive receptors (residential land uses) adjacent to agriculturally designated land uses. Heavy equipment associated with agricultural operations would generate point-source noise similar to construction equipment such as backhoes, dozers or excavators used during construction activities. As such, proposed residential land uses within 300 feet of agricultural operations may be intermittently exposed to nuisance noise levels. However, because such noise levels would be intermittent and generally occur when heavy machinery passes by nearby sensitive receptors during daytime hours, the County's 60 dB(A) Ldn threshold, which is a average of noise levels over a day, would not be exceeded. Therefore, potential noise impacts associated with agricultural operations would be Class III, less than significant. Impacts related to construction noise are discussed in Section V below.

2. **Impact N-2: Long Term Operational Noise.** Traffic generated noise impacts would not require mitigation for existing and proposed sensitive receptors located along SR 46, First Street, San Juan Road and Toby Way. Existing and proposed sensitive receptors along these roadways would not be exposed to noise levels that exceed the County's 65 dB(A) noise threshold as they would be located outside of the 65 dB(A) noise contour. Class I and II impacts related to long term operational noise on other roadways within the Community of Shandon are discussed in Sections V and VI below.

J. Public Safety (Class III)

1. **Impact S-3: Exposure of Future Residents to Existing Hazardous Material Sites.** There are two sites within the Study Area known to handle hazardous materials. These sites include the Hansen farming site (underground storage tank [UST]) and the Caltrans site (small quantity generator). Locating sensitive land uses adjacent to properties that handle hazardous materials may pose health risks. The two identified properties that handle hazardous materials are designated as public facility (the Caltrans site) and residential with the potential

to be a neighborhood park (the Hansen farming site) under the Compact Development Alternative. However, the UST at the Hansen farming site is regulated by the San Luis Obispo County Environmental Health Department's Certified Unified Program Agency and the Caltrans site is regulated by the Environmental Protection Agency. Regulatory oversight by these agencies ensures that on-site hazardous materials are handled and transported properly to minimize risk of upset through the preparation of a Hazardous Material Management Plan, or other similar document. Therefore, regulatory oversight would reduce impacts to potential development and clean up to Class III, less than significant.

2. **Impact S-5: Recycled Water Applications.** Secondary treatment is being considered for the wastewater treatment facility. Although a recycled water system is not being proposed, secondarily treated water could be used for agricultural irrigation. Use of recycled water for agricultural irrigation would be required to comply with requirements of Title 22 Division 4, Chapter 3, Sections 60301 through 60355 of the California Code of Regulations, including regulations on the types of crops appropriate for the wastewater treatment level employed. Pursuant to compliance with Title 22 requirements, including limitations on the types of crops irrigated with wastewater treatment facility effluent, impacts would be Class III, less than significant.

K. Public Services and Utilities (Class III)

1. **Impact PS-1: Police Protection.** The average response time to high priority emergency calls in Fiscal Year 2010 in Shandon was 23 minutes (Undersheriff Martin Basti, testimony at the August 4, 2011 Planning Commission hearing). Despite the relatively long distance to the nearest police station (25 miles to the southwest), response times vary because deputies respond to calls while on beat patrol, rather than from the Templeton Station itself (Reid, Personal Communication, June 5, 2009 and Basti, August 4, 2011). As a result, the increase in residential units and commercial square footage within the Compact Development Alternative area would not require new or expanded facilities (Reid, Personal Communication, June 5, 2009). Additionally, future applicants would be required to pay impact mitigation fees prior to the issuance of a building permit, in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April 2006). Payment of these fees would contribute to the provision of additional police protection equipment or facilities as needed to accommodate potential growth that could occur throughout the 20-year planning horizon of the Compact Development Alternative. The Sheriff's Department is currently making (systematic and procedural) adjustments in an effort to reduce response times and the Sheriff is pursuing a resident deputy for the Shandon area (Basti, August 4, 2011). Therefore, impacts to police protection services would be Class III, less than significant.

2. **Impact PS-2: Fire Protection.** Buildout of the Compact Development Alternative would increase the existing Shandon population. This population would demand additional fire protection services and further exacerbate inadequate fire protection services. Any increase in firefighters would require new or expanded fire station facilities because Station 31 does not have the capacity to accommodate additional firefighters. As development occurs under the Compact Development Alternative, it is anticipated that Station 31 would be expanded at its current location to accommodate the additional firefighters and equipment

needed to serve the area. Additionally, future applicants would be required to pay impact mitigation fees in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April 2006) prior to the issuance of a building permit. Payment of these fees would contribute to the provision of additional fire protection equipment or facilities as needed to accommodate potential growth. Therefore, impacts to fire protection services would be Class III, less than significant.

3. **Impact PS-3: Public Schools**. When compared to the existing capacity utilization of school facilities in Shandon, development accommodated by the Compact Development Alternative would increase the capacity utilization and exceed the operational capacity of both schools serving Shandon. The increase in students would create the need for an additional elementary school, possible expansion of Shandon Elementary, and a new middle school and/or expansion of the existing high school facility, the construction of which could cause environmental impacts. There is a site within the Compact Development Alternative area that could potentially be developed with a school site and/or neighborhood park site. If developed as a school, this area would provide additional school facilities to meet anticipated demand. If not developed as a school, the project applicant would be required to pay an in-lieu fee. In accordance with Section 65995(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65994(h), impacts relating to school capacity would be Class III, less than significant.

4. **Impact PS-4: Solid Waste Disposal.** Based on the residential solid waste generation rate of 0.41 tons per resident per year and the nonresidential solid waste generation rate of 9.4 pounds of waste per employee per day (California Integrated Waste Management Board), the Compact Development Alternative would generate approximately 2,156 tons of solid waste per year from residential uses and 247 tons per year from commercial uses, for a total of 2,403 tons per year. The yearly amount of solid waste at buildout would represent less than 0.1% of the available cumulative landfill capacity of the Chicago Grade and Paso Robles Landfills. Because adequate capacity at the Chicago Grade and Paso Robles Landfills exists to serve the Compact Development Alternative, new or expanded facilities would not be needed to serve the program. Therefore, impacts would be Class III, less than significant.

L. Recreation (Class III)

1. **Impact R-1: Impacts to Recreational Facilities.** The Shandon Compact Development Alternative would generate a population of 5,259 residents. This increase in population would lead to increased use of recreational facilities, and would contribute to the physical deterioration of these facilities.

   Based on the County's Quimby Ordinance parkland standard of three acres of neighborhood and community parkland per 1,000 residents, the estimated future population of 5,259 residents would generate demand for 15.8 total acres of parkland. The Compact Development Alternative includes an additional 13.5 acres of new parkland. When added to the existing 11.5-acre community park,

the Shandon community would have 27.3 acres of parkland upon buildout of the Compact Development Alternative, which exceeds that required. In addition, future applicants would be required to pay an in-lieu public parks fee. Payment of in-lieu park fees would result in funding equivalent to the provision of neighborhood and community parks in accordance with the County's Quimby Ordinance standards. Following payment of Quimby Ordinance fees, impacts to recreational resources, including the physical deterioration of existing facilities and the need for new facilities, would be Class III, less than significant.

M. Transportation, Circulation, and Traffic (Class III)

1. **Impact T-2: Site Access and Internal Circulation Impacts.**

   Site Access. The Compact Development Alternative is conceptual in design, and does not provide specific locations of access points. Traffic from most regional uses is assumed to access the main Study Area roadways via SR 46 and SR 41. The Compact Development Alternative does not identify required secondary emergency access. However, emergency services are available within the Study Area. Access roadways within future individual development projects would be required to conform to County Public Improvement Standards, which requires that access roads have a minimum width of 20 feet unobstructed by parking and a maximum allowable grade of 16%. Pursuant to compliance with these requirements, impacts related to site access would be Class III, less than significant. Site access for individual projects within the Plan Area would be reviewed on a project-by-project basis and would be subject to additional CEQA review.

   Internal Circulation. Because no active application currently exists for the Compact Development Alternative, the assessment of traffic impacts is based on a reasonable worst case scenario with respect to internal circulation design. However, precise internal circulation impacts would be too speculative to address at this time. Project-level environmental analysis would subsequently be required, including the analysis of traffic-related and internal circulation impacts. In addition, future projects would require a site-specific environmental study, including analysis of traffic-related and internal circulation impacts. Impacts related to internal circulation would be Class III, less than significant.

2. **Impact T-3: Parking Demand.** According to County Land Use Ordinance Section 22.18.050(C), residential projects must provide two off-street parking spaces per single-family unit and one to two spaces, plus guest parking spaces, per multi-family unit (depending on unit size). In addition, hotels require two spaces plus one space per unit and one additional space per ten units. General merchandise stores require one space per 300 square feet of sales area, while restaurants require one customer parking space per 60 square feet and one employee space per 350 square feet. Future applicants would be required to comply with County Land Use Ordinance Section 22.18.050 as a condition of project approval. Therefore, impacts related to parking demand would be Class III, less than significant.

N. Water and Wastewater (Class III)

1. **Impact W-4: Sludge Disposal.** Residuals produced at the proposed wastewater treatment facility would be disposed of at a landfill permitted to handle such wastes. Solid waste generated within the Shandon community is taken to either

the Chicago Grade Landfill or the Paso Robles Landfill. Sending residuals from the proposed wastewater treatment facility to either of these landfills is not expected to impact overall landfill capacity. Therefore, impacts to landfill capacity due to the disposal of residuals would be Class III, less than significant.

2. **Impact W-5: Groundwater Quality Impacts due to Wastewater Disposal.** Mineral loading in treated wastewater would have a significant impact on groundwater if discharged at the site located in the western portion of the Study Area. The wastewater may lower concentrations of TDS, calcium, and magnesium, but increase concentrations of sodium and chloride. Impacts from dissolved minerals in the treated wastewater effluent may be substantial at this site. However, the Regional Water Quality Control Board Basin Plan contains an anti-degradation policy that requires that existing groundwater quality be maintained. There is also the potential for impacts to groundwater due to nutrient loading. However, the RWQCB identifies a median objective in the Basin Plan for the Shandon area of 2.3 mg/L total nitrogen in groundwater. The proposed Compact Development Alternative includes the following wastewater program:

   WW – 1 Require that treated wastewater be of a quality consistent with the State Regional Water Quality Control Board standards and those standards adopted by San Luis Obispo County (SLOCO) and County Service Area 16.

   Pursuant to compliance with this program, treated wastewater would comply with applicable water quality standards. Impacts would be Class III, less than significant.

O. Greenhouse Gas Emissions (Class III). No Class III impacts.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Aesthetics (Class II)

1. **Impact AES-1: Visual Character Changes**. Development envisioned by the Compact Development Alternative would permanently alter the character of the community when existing agricultural and open space areas are converted to suburban and urban development. In addition, the intensification of development facilitated by the Compact Development Alternative, including the water storage tanks and wastewater treatment facility, would result in increased building heights and a change in the existing development pattern. This would impact views of the nearby hills and open space, riparian zones, and agrarian resources. The alteration of visual character would be most evident from viewpoints within the community itself, although the overall change in character would also be seen from SR 46 and SR 41. However, development would be concentrated within the Community's urban core. Impacts would be Class II, significant but mitigable.

a. Mitigation –

AES-1(a) Residential Siting and Design Standards. Residential site locations shall be chosen to minimize aesthetic impacts. Considerations shall include, but not be limited to, the following guidelines as adapted from the Countywide Design Guidelines:

- Lots shall be screened from SR 46 to minimize impacts to visual corridors.

Residential design shall blend new residences and associated improvements into the natural landscapes. This may include, but not be limited to, the following architectural guidelines as adapted from the Countywide Design Guidelines:

- Conformance to existing topography.
- Building materials that blend with the surrounding environment in terms of color, texture, non-reflectivity and scale.
- Avoidance of extensive paved areas in the front yards allowing long-term external storage of vehicles.
- Landscaping that blends into the natural environment and screens the residence from view.
- Walls and fences designed using style, materials, and color to complement the buildings to which they are attached.
- Design of attached multi-family development to avoid monotony and promote visual interest. This may include, but not be limited to, the following:
    - Units that resemble large single family dwellings
    - Varied front setbacks within the same structure
    - Staggered unit plans
    - Use of reverse building plans to add variety
    - Maximum of two adjacent units with identical exterior wall and roof lines
    - A variety of orientations
    - Clustered units
- Articulation in the design of residential buildings and avoidance of long uninterrupted exterior walls. For dwellings with sloped roofs, use of both vertical and horizontal articulation.

AES-1(b) Commercial Design Standards. Commercial design shall blend new structures and associated improvements into the natural landscapes. This may include, but not be limited to, the following architectural guidelines as adapted from the Countywide Design Guidelines:

- Creation of horizontal emphasis to visually break up structures through the use of trim or other elements, adding awnings, eaves or other ornamentation, by using a combination of complimentary colors, and through the use of landscaping.
- Screening of areas to be utilized for storage, refuse, or loading from view of access streets, roadways, or adjacent residences

with berms, landscaping, low garden walls, fencing, or a combination of these features.

- Landscaped parking lot areas. In order to provide visual relief, glare reduction, and shade, large-canopy trees are recommended**.** Native species found within the project vicinity (i.e. *Quercus agrifolia, Quercus lobata, and Platanus racemosa*) should be used to the greatest extent feasible. Non-native tree species not listed as invasive by the California Invasive Plant Council may also be used if native species are unavailable or are determined to be inappropriate for a specific site.
- Use of alternative foundation systems such as split level, post and beam, etc., and use exterior materials and colors that blend with the surroundings.
- Avoidance of large monument signs and electronic message signs.

AES-1(c) Architectural and Landscape Guidelines. Future applicants shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines.

Tract landscaping. Landscaping guidelines for tract-wide improvements shall describe the following elements:

- Landscaping shall emulate and be compatible with the surrounding natural environment; only natural fiber, biodegradable materials shall be used;
- Fuel management techniques shall be used, including, but not limited to, fire resistive landscaping, defensible space features, and strictly controlled vegetation within defensible space;
- Fire-resistant vegetation shall be used in tract landscaping.

Roofing and Feature Color and Material. Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Understory and Retaining Wall Treatment. Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect.

AES-1(d) Grading. Grading shall attempt to preserve hillsides and natural topography; grading transitions shall be gentle rather than abrupt.

AES-1(e) Roadways and Infrastructure. New roads shall be blended into the landscape and follow existing topography and

vegetation patterns. Cut and fill slopes shall be contoured to conform to the prevailing adjacent landforms and landscapes, and drainage swales may be used rather than curbs where approved by Public Works. Utility service for new development shall be underground.

AES-1(f) Wastewater Treatment Plant Design Standards. The proposed wastewater treatment plant shall be screened from the surrounding area with vegetation and earthen berms. Screening shall hide a minimum of eighty percent of the facility as seen from each of the four sides. Berms shall be contour-graded to appear as a natural part of the landscape. Screen planting shall consist of native trees and shrubs planted in natural vegetative patterns.

AES-1(g) Water Storage Tank Design Standards. Water storage tank site locations shall be chosen to minimize impacts to scenic hillside views. Considerations shall include, but not be limited to, the following:

- Storage tanks shall use natural topography to the greatest extent possible to minimize visibility.
- Storage tanks shall be placed partially or fully underground if feasible.
- Water storage tank design shall blend into the natural landscape. This may include, but not be limited to, the following design considerations:
- Water tanks shall include earth-tone colors (e.g. browns, greens, tans and blues) that are compatible with the nearby environment to lessen potential visual contrast between the tanks and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.
- If water storage tanks cannot be placed underground, they shall be screened from view by native trees.

b. Findings – Changes or alterations have been required in, or can be incorporated into, the program which avoid or substantially lessen the significant environmental effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact AES-1 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. Impact AES-2: Alteration of Scenic Views. Scenic views from Primary View Corridors such as SR 46 and SR 41, Centre Street (SR 41), and others would be impacted by the addition of substantial new development in an area that has historically been remote and rural with very little growth. In addition, the

intensification of development facilitated by the Compact Development Alternative could result in increased building heights and densities, which has the potential to impact views of the nearby hills, riparian zones, and agrarian resources. However, development would be concentrated within the Community's urban core. Impacts would be Class II, significant but mitigable.

a. Mitigation –

Mitigation measures AES-1(f) (Wastewater Treatment Plant Design Standards) and AES-1(g) (Water Storage Tank Design Standards) would minimize impacts to scenic views resulting from construction of the wastewater treatment plant and water storage tanks, respectively.

b. Findings – Changes or alterations have been required in, or can be incorporated into, the program which avoid or substantially lessen the significant environmental effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact AES-2 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

3. Impact AE-3: Increased Light and Glare. Development that could be facilitated by the proposed Compact Development Alternative would increase the ambient nighttime lighting throughout the proposed 20-year growth boundary. Increased lighting could come from streetlights, parking lot lights, and signage on business establishments and residential units allowed under the Compact Development Alternative. Lighting could adversely affect adjacent properties, as well as the overall nighttime lighting levels of the community. Increased glare could potentially occur as a result of building and roofing materials constructed of reflective metals or other reflective finishes, including solar panels, and windows reflecting sunlight. Areas that would experience the greatest potential for increased lighting are those areas likely to experience the greatest development potential. Because of the substantial number of new light and glare sources and the inherent high visibility from within the community as well as from primary viewing corridors such as SR 46, impacts due to increased light and glare would be Class II, significant but mitigable.

a. Mitigation –

AES-3(a) Lighting. Prior to issuance of construction permits, future applicants shall submit a comprehensive lighting plan to the County Department of Planning and Building for review and approval. The lighting plan shall be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America. Streetlight location, type, and documentation of ongoing maintenance shall be provided to and approved by Public Works. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association. The lighting plan shall include the following in conjunction with other measures as determined by the illumination engineer:

- New lighting shall be oriented away from sensitive uses, and shall be hooded, shielded, and located to direct light pools downward and prevent glare.
- All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
- No electronic message signs shall be used.
- Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.
- Light fixtures with exposed light bulbs shall be avoided.
- All light fixtures shall be shielded to confine the spread of light within the residential subdivision boundaries.

AES-3(b) Low Glare Materials. Finish materials, including glazing, shall be of a low reflectivity to minimize glare. Development shall include low reflectivity glass, subdued colors for building materials in high visibility areas, and the use of plant material along the perimeter of the structures to soften views.

AES-3(c) Street Light Limitations. Streetlights shall be pedestrian in scale, not to exceed a height of ten feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination nor glare towards the roadway or buildings.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact AES-3 in Section 4.1, *Aesthetics*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

B. Agricultural Resources (Class II)

1. **Impact AG-2: Agricultural/ Urban Conflicts**. Potential future development pursuant to the Compact Development Alternative has the potential to abut farming operations, creating potential conflicts.

   Impacts to Agricultural Uses. Development in accordance with the Compact Development Alternative would result in residential development adjacent to farmland which can have several negative impacts on the continued on-site and adjacent agricultural production activities. Direct physical impacts resulting from trespassing may include vandalism to farm equipment and theft of crops, as well as the limitation of pesticide application. These can result in indirect economic impacts. Other indirect impacts to agriculture from nearby urban uses can affect the long-term viability of such operations. Increased regulations and liability insurance to protect the farmer from adjacent urban uses cost time and money.

Impacts to Residential Uses. Residents living adjacent to farmland commonly cite odor nuisance impacts, noise from farm equipment, dust, and pesticide spraying as typical land use conflicts. Other incompatibilities include unpredictable behavior by cattle in the presence of pedestrians, bicyclists, and/or domestic pets.

Buffers. The County Department of Agriculture/Measurement Standards maintains recommended standards for setbacks (buffers) and screening techniques between development and agricultural property to address impacts agricultural operations (trespass, litter, vandalism, theft, and general liability issues) or adjacent residents (dust, day and night-time noise, odor, and heavy vehicle traffic). Legal pesticide use would continue to be allowed for vineyard operations, gopher or weed control on the project site. However, some legal pesticides are restricted if residences are in close proximity. Therefore, the development of residences in close proximately to agricultural operations can limit certain legal pesticide applications. The County of San Luis Obispo has developed agricultural buffer polices and procedures that recommend buffer distance ranges for intensive and non-intensive agricultural uses from proposed residential uses. These buffers apply to the non-agricultural property and are designed to reduce land use incompatibilities. Impacts related to land use compatibility would be Class II, significant but mitigable.

a. Mitigation –

AG-2(a) Agricultural Buffers. Future applicants shall maintain County-recommended agricultural buffers (as shown in Table 4.2-2 in Section 4.2, *Agricultural Resources,* of the Final EIR), or as determined appropriate by the Agricultural Commissioner.

AG-2(b) Conflict Reduction through Site Design. New development shall be designed to separate occupied buildings from adjacent agricultural development to the extent possible. This may be accomplished through the following site design measures: building concentration or clustering away from existing agricultural uses; building orientation; and fencing in key locations.

AG-2(c) Disclosure of Potential Nuisance. In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, the notification shall identify that adjoining agricultural land is permanently protected for agricultural uses, and that future agricultural uses may vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, and/or changes in irrigation patterns and water use. The establishment of

new agricultural uses, if established in accordance with standard agricultural practices, will not be considered a nuisance from the time of establishment.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact AG-2 in Section 4.2, *Agricultural Resources*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

C. Air Quality (Class II)

1. Impact AQ-1: Temporary Construction Emissions. Construction activity from future residential and commercial development under the Compact Development Alternative would cause temporary, short-term emissions of various air pollutants. NO_x and CO would be emitted by the operation of construction equipment, while fugitive dust (PM_{10}) would be emitted by activities that disturb the soil, such as grading and excavation, road construction and building construction. Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity.

Taken individually, construction activities are not generally considered to have significant air quality impacts because of their short-term and temporary nature. However, given that the Compact Development Alternative would accommodate up to an additional 1,064 residential units and 899,000 square feet of non-residential space, as well as infrastructure and utility improvements, it is reasonable to conclude that some major construction activity could be occurring at any given time over the life of the program and could occur simultaneously. In addition, because the SLOAPCD is in non-attainment with the state standard for PM_{10}, the amount of dust generated from construction activities is potentially significant. Therefore, construction-related impacts associated with development under the Compact Development Alternative would be Class II, significant but mitigable.

a. Mitigation –

AQ-1(a) Construction Equipment Emissions Controls. Future applicants shall implement the following measures to mitigate equipment emissions:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with Air Resources Board (ARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standard identified in the above two measures (e.g., captive or NO_X exempt area fleets) may be eligible by providing alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or jobs sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible;
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel; and
- The applicant shall apply Best Available Control Technology (CBACT) as determined by the SLOAPCD.

AQ-1(b) Dust Control. The following measures shall be implemented to reduce PM_{10} emissions during construction:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt-stock-pile areas shall be sprayed daily as needed;
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

The above measures shall be shown on development plans.

AQ-1(c) Cover Stockpiled Soils. If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin.

AQ-1(d) Dust Control Monitor. The contractor or builder shall designate a person or persons to monitor the dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-1(e) Hydrocarbon Contaminated Soil. Should hydrocarbon contaminated soil be encountered during construction activities, the SLOAPCD shall be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if a permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH – non-permeable barrier such as a plastic tarp. No headspace shall be allowed where vapors would accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

AQ-1(f) Construction Activity Management Plan. Prior to commencement of construction for any project for which the estimated construction emissions from the actual fleet are expected to exceed either of the Air Pollution Control District (APCD) Quarterly Tier 2 thresholds of significance after application of the construction equipment control measures in Mitigation Measure AQ-1(a), develop a Construction Activity Management Plan (CAMP), designed to minimize the amount of large construction equipment operating during any given time period. The CAMP shall be submitted to the APCD for review and approval prior to the start of construction, and shall include, but not be limited to, the following elements:

- A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures that were listed under Mitigation Measure AQ-1(b);
- Tabulation of on-and off-road construction equipment (age, horsepower, and miles and/or hours of operation;
- Schedule construction truck trips during non-peak hours to reduce peak-hour emissions;
- Limit the length of the construction work day period, if necessary; and
- Phase construction activities, if appropriate.

AQ-1(g) Off-Site Mitigation Fees. For projects where construction-related ozone precursor emissions exceed APCD Quarterly Tier 2 thresholds of significance after application of other mitigation, including a Construction Activity Management Plan, as described in Mitigation Measure AQ-1(e), off-site mitigation fees would be recommended. The current rate for off-site mitigation, in accordance with Section 2.3.3 of SLOAPCD's *CEQA Air Quality Handbook*, is $16,000 per ton of ozone precursor emission (NO_X + ROG) over the APCD threshold calculated over the length of the expected exceedance. Future applicants may use these funds to implement APCD approved emission reduction projects near the project site or may pay that funding level plus an administration fee (2009 rate is 10%) to the APCD to administer emission reduction projects in close proximity to the project.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact AQ-1 in Section 4.3, *Air Quality*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

D. Biological Resources (Class II)

1. **Impact BIO-1: Sensitive Habitats.** Implementation of the Compact Development Alternative would result in the direct removal of potential wetland habitat, as well as both direct and indirect impacts to riparian habitats.

   Wetlands. Potential wetland features associated with SR 46 within the Study Area are found on land currently zoned for agricultural use (currently grazing). Several of these potential wetland features are present within the 20-year growth boundary in areas proposed for both urban development and in areas proposed to remain zoned for agricultural use. The remaining potential wetland features are present outside of the 20-year growth boundary, within the riparian corridors and in grassland habitat, primarily on lands that are and would continue to be zoned for agricultural use. In addition, a potential wetland feature not associated with SR 46 currently drains runoff from the existing community park to the Estrella River. Proposed land use changes for this area include establishment of new recreation, mixed use, and residential development, resulting in a complete loss of this feature. These potential wetland features may fall under U.S. Army Corps of Engineers (USACE), California Department of Fish and Game (CDFG)

and/or Regional Water Quality Control Board (RWQCB) jurisdiction and be subject to jurisdictional requirements. A formal delineation must be completed and approved by the appropriate agencies. Therefore, the loss of the wetland features would be a Class II, significant but mitigable, impact.

Riparian Habitats. Riparian habitats throughout the Study Area are proposed for open space land use and no development is proposed within these areas. However, development adjacent to open space areas may result in both direct and indirect impacts. Direct impacts may result through implementation of County fire safety policies which require varying levels of fuels reduction within 100 feet of structures. Indirect impacts may result from construction activities adjacent to riparian areas, from increased human presence, and from introduction of non-native plant species. Impacts to riparian habitat would be Class II, significant but mitigable.

Oak Trees. Few native valley oaks are present in the annual grassland and riparian habitats within the Study Area. These are individual oak trees as no oak woodlands occur in the Study Area. Future development within the Study Area may result in both direct and indirect impacts to these oak trees. Direct impacts include removal of limbs or entire trees from the site. Indirect impacts may result from construction activities or other disturbance occurring near oak trees. The County currently has mitigation requirements for impacts to oak trees that includes acquisition of a tree removal permit and replacement plantings for impacts to oak trees. Impacts to oak trees as a result of residential, commercial, or other urban development are Class II, significant but mitigable.

a. Mitigation –

BIO-1(a) Jurisdictional Delineation. A jurisdictional delineation shall be conducted by a County-approved qualified biologist for all properties that may contain wetland features prior to issuance of land use permits. The jurisdictional delineation shall examine the entire project site and shall determine if features on-site fall under the jurisdiction of the USACE, RWQCB, and/or CDFG. The result will be a preliminary jurisdictional delineation report which shall be submitted to the appropriate agencies for review and approval, and permits shall be obtained from each agency where applicable.

BIO-1(b) Avoidance, Minimization, and Mitigation of Impacts to Wetlands and Riparian Habitat. All proposed projects in the Study Area shall be designed to avoid impacts to wetlands and riparian habitats. The County Fire Department *Standard 8: Defensible Space* requires a fuels reduction zone of no less than 100 feet from structures. Therefore, a minimum setback of 100 feet from the edge of delineated wetland and riparian habitat shall be recommended. Activities within the buffer zone shall be limited to fuels reduction for fire safety purposes only. All wetland and riparian habitat and appropriate buffer zones shall be clearly demarcated on-site with highly visible construction fencing to ensure that these areas are not impacted during construction-related activities

If wetland and/or riparian habitat cannot be avoided, permits shall be obtained from the appropriate regulatory agency (USACE, RWQCB, and/or CDFG). Loss of such features shall be mitigated at a ratio to be determined by the permitting agencies, but shall not be less than 1:1 (one acre of habitat

created to one acre of habitat lost). Mitigation shall occur on-site. Locally native riparian and wetland species shall be used and removal of native species shall be prohibited; however, select willow cuttings and emergent plant division are permissible. A mitigation plan shall be prepared by a qualified biologist and shall include success criteria, monitoring methods, a monitoring schedule, contingency planning, weed control/management provisions, irrigation methods and schedule, and annual reporting requirements. Created riparian and wetland habitat shall be monitored for a minimum of five years or as otherwise determined by the permitting agencies. Prior to commencement of grading, a performance bond shall be filed with the County to complete habitat creation and maintain plantings for the duration of the mitigation program.

If mitigation on-site is not feasible, mitigation off-site at a location approved by the permitting agencies shall occur. Alternatively, payment into an in-lieu fee program and/or purchase of credits at an approved mitigation bank may be allowed by the permitting agencies for impacts to wetlands.

BIO-1(c) Landscape Plan. Development plans for all discretionary land use permits or subdivision projects within undeveloped parcels that are not infill parcels shall include a landscape plan. The plan shall describe the size and species of all trees, shrubs, and lawns proposed to be planted in the Study Area, including the limits of irrigated areas, and shall conform to the County's approved list of local landscape plants. Locally native plant species shall be used to the greatest extent feasible. Invasive and problematic species such as those included on the County's list of potentially problematic plants, identified by the California Invasive Plant Council as invasive plants, and listed by the California Department of Food and Agriculture and/or U.S. Department of Agriculture as noxious weeds shall be prohibited.

The landscape plan shall identify operational procedures to be employed to maintain a healthy landscape with minimum application of fertilizers and pesticides. No rodent control, pesticides, or herbicides shall be used within the non-disturbance buffer zones around wetland and riparian habitats. Operation and management of the landscape program will be designed to contain the distribution of management chemicals within the project site.

BIO-1(d) Oak Tree Inventory, Avoidance, and Protection Plan. Applicants for discretionary development projects at sites that support oak trees in the Study Area shall prepare an Oak Tree Inventory, Avoidance and Protection Plan as outlined herein. The plan shall be reviewed by a certified arborist or County-approved biologist prior to approval of grading permits, and shall include the following items:

1. Comprehensive Oak Tree Inventory. This shall include the following information:
    - An inventory of all trees at least 5 inches dbh within 50 feet of all proposed impact areas. All inventoried trees shall be shown on maps. The species, dbh, location, and condition of these trees shall be documented in data tables.
    - Identification of trees which will be retained, removed, or impacted. This information shall be shown on maps and cross-referenced to data tables described in Item (a).

- The location of proposed structures, utilities, driveways, grading, retaining walls, outbuildings, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans. In addition, the plans shall include any fenced areas for livestock or pets and clearance areas prescribed by County fire safety policies.
- Revised drainage patterns that are within 100 feet upslope of any existing oak trees to remain. All reasonable efforts shall be made to maintain historic drainage patterns and flow volumes to these trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.

2. Oak Tree Avoidance and Protection Guidelines. Grading and development shall avoid the removal of oak trees where feasible and minimize potential disturbance to oaks and their associated root zones. Final site plans shall obtain concurrence from County staff to ensure compliance with this provision. Tree protection guidelines and a root protection zone shall be established and implemented for each tree or group of trees to be retained that occurs within 50 feet of disturbance areas. The following guidelines shall be included on all development plans:

    - All oak trees to remain within 50 feet of disturbance areas (construction or grading) shall be marked for protection and the root zone fenced prior to any grading. The root zone shall be designated as 1.5 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. The project arborist or biologist must approve any work within the root protection zone.
    - Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above ground surface.
    - Unless previously approved by the County, the following activities shall be prohibited within the root zone of remaining oak trees: year-round irrigation (no summer watering, unless “establishing” a new tree or native compatible plant for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); or disturbance of soil that impacts roots (e.g., tilling).
    - Trimming oak branches shall be minimized, especially for larger lower branches, and the amount trimmed in one season shall be limited to 10 to 30 percent of the canopy to reduce stress/shock. If trimming is necessary, the applicant shall either use a qualified arborist or utilize accepted arborist’s techniques.

BIO-1(e) Oak Tree Mitigation and Monitoring. A certified arborist or County-approved biologist shall be retained by the applicant of a discretionary development project that would remove one or more oak tree to prepare an Oak Tree Mitigation Program that shall include a replacement plan and monitoring plan. These plans shall include cost estimates for the planting plan, installation of new trees, and maintenance of new trees for a period of seven years. A performance bond, equal to the cost of the estimate, shall be posted by the applicant.

1. Replacement Plan. The replacement plan shall outline the number of trees to be replanted, the proposed location(s) for replanting, a schedule for replanting efforts, and the methods to be used for replanting. Replanting of oak trees shall account for not more than one-half of the mitigation recommendation. The plan shall incorporate the following:
    - The plan shall include at a minimum a 4:1 (trees replaced to trees removed) ratio for oak trees removed and a minimum replacement ratio of 2:1 for oak trees impacted (i.e., disturbance within the root zone area) for all oak trees measuring 5 inches dbh or greater.
    - Replacement plantings shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. A qualified arborist or biologist shall be retained to monitor the acquisition, installation, and maintenance of all oak tree replacement plantings. Replanting shall occur as soon as possible following ground disturbance activities but shall be avoided during the warmest, driest months (June through September) to the greatest extent feasible. Whenever possible, the location of newly planted trees shall be located: 1) on the north side of and at the canopy/dripline edge of existing mature native trees; 2) on north-facing slopes; 3) within drainage swales (except when riparian habitat is present); 4) where topsoil is present; and/or 5) away from continuously wet areas (e.g., lawns, leach lines).
    - Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54" tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two-foot diameter and two-feet deep, shall be used below ground.
    - No herbicides shall be used. A weed mat (covering at least a three-foot radius from center of plant) shall be installed or weeds shall be removed by hand. A weed-free mulch at least three inches deep and covering at least a three-foot radius shall be installed and regularly replenished for each new tree.
    - A certified arborist or County-approved biologist shall submit to the County an initial post-planting report outlining the efforts that were undertaken during replanting and shall include an as-built planting plan.
2. Monitoring Plan. A monitoring plan shall be developed by a County-approved qualified biologist for a seven year period following

installation of newly planted oak trees and shall outline measures necessary to ensure that these newly planted trees become successfully established. Measures to ensure success shall include, at a minimum, maintaining protections from predation by wild and domestic animals; regular weeding a minimum of twice per year (minimum of once early fall and once early spring); installation of an irrigation system for controlled watering for the first three years. The plan shall include a monitoring schedule, success criteria, remedial measures (should they be needed), and annual reporting for a minimum of seven years or until replanted oak trees have become successfully established as determined by the qualified arborist or biologist with concurrence from the County. The goal at the end of seven years shall be a minimum of 80% survival of new plantings.

BIO-1(f) Construction Best Management Practices. In addition to mitigation measures AQ-1(b) and AQ-1(c) in Section 4.3 *Air Quality*, of the Final EIR, the following construction Best Management Practices (BMPs) shall be incorporated into all grading and construction plans:

- Designation of a 15 mph speed limit in all construction areas.
- All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible. Development of new access and ROW roads shall be minimized.
- Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.
- Daily construction work schedules shall be limited to daylight hours only.
- Mufflers shall be used on all construction equipment and light trucks shall be in good operating condition.
- Drip pans shall be placed under all stationary vehicles and mechanical equipment.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on a project site during construction.

BIO-1(g) Worker Education. Prior to initiation of all construction activities, including installation of exclusionary/protective fencing, for discretionary land use permit or subdivision projects within undeveloped parcels that are not infill parcels a County-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of all sensitive resource issues on-site as well as the general measures that are being implemented to protect these resources. A fact sheet printed in both English and Spanish languages shall be provided to all contractors, their employees, and any other personnel involved with the construction of the project, and shall include a description of the sensitive resources on-site, information on their occurrence on-site, a list of construction BMPs outlined in BIO-1(g) and other applicable mitigation

measures, instructions to follow when encountering sensitive resources, and all applicable County-required Conditions of Approval.

BIO-1(h) Erosion and Sedimentation Control. Applicants for discretionary development projects in the Study Area shall develop an Erosion and Sedimentation Control Plan to be implemented prior to and during all phases of construction to protect wetland and riparian habitats and other sensitive resources from contamination during construction. Erosion control measures shall include installation of a combination of certified weed-free straw wattles/bales, sand/gravel bags, mulching, erosion control blankets, soil stabilizers, and silt fencing. Silt fencing shall be buried at least six inches below ground and shall be maintained through all phases of construction. All graded areas shall have a native erosion control seed mix installed within four weeks of completion of ground disturbance activities.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact BIO-1 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. Impact BIO-3: Special Status Animal Species. Implementation of the Compact Development Alternative has the potential to directly and indirectly impact special status wildlife species and their habitats. Three special status animal species were observed during site visits to the Study Area in 2007 and 2008 (Althouse and Meade, Inc. 2008): the southwestern pond turtle (*Actinemys marmorata pallida*) was observed in Cholame Creek and the Estrella River; two golden eagles (*Aquila chrysaetos*) were observed flying over the Study Area; and an American badger (*Taxidea taxus*) was observed in an alfalfa field in the southeast corner of the Study Area. In addition, although focused bat surveys were not conducted during these site visits, bats were found roosting under the SR 46 bridge over Cholame Creek. Surveys conducted for a Natural Environment Study for the SR 46 corridor improvement project positively identified the pallid bat (*Antrozous pallidus*) roosting at this bridge in 2002 (California Department of Transportation, 2003).

In addition to the aforementioned special status animal species documented within the Study Area, several special status animal species were determined to have the potential to occur in the Study Area, including: silvery legless lizard (*Anniella pulchra pulchra*), western spadefoot (*Spea hammondii*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), coast horned lizard (*Phrynosoma coronatum*), grasshopper sparrow (*Ammodramus savannarum*), burrowing owl (*Athene cunicularia*), northern harrier (*Circus cyaneus*), yellow warbler (*Dendroica petechia brewsteri*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Tulare grasshopper mouse (*Onychomys torridus tularensis*),

longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), Kern primrose sphinx moth (*Euproserpinus euterpe*), and San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*). It should be noted that despite the lack of evidence of presence and suitable habitat, the vernal pool fairy shrimp has been included in this analysis due to the USFWS' request that this species be included in a Habitat Conservation Plan (HCP) for the Study Area. The Study Area offers foraging and/or breeding habitat for each of these species. Most of these species are associated with the on-site drainages and associated riparian habitat, or with grassland habitat on-site, all of which has historically experienced the least amount of disturbance within the Study Area. Agricultural lands in the Study Area offer foraging opportunities and limited breeding opportunities for some of these species, depending upon the type of agricultural use. Rural residential and urban development provide marginal foraging and breeding habitat and special status animal species are unlikely to be associated with these areas.

A HCP is currently in preparation for the Compact Development Alternative. Species covered in this HCP are expected to include the SJKF, burrowing owl, and vernal pool fairy shrimp (VPFS). While the likelihood of take is considered to be relatively low for each of these species, direct mortality of these species and indirect impacts due to suitable habitat lost or altered may still occur. Under the HCP, future applicants for development in the Compact Development Alternative area would be responsible for the proper implementation of all measures in the HCP conservation strategy.

Direct impacts may result in injury, harm, and death of individual species during construction activities and loss of habitat, while indirect impacts may result from reduction/alteration of suitable habitat, increased human presence, increased light and noise, and increased presence of domestic animals. Proposed residential, commercial, and mixed use development may result in impacts to special status animal species. These impacts would be considered Class II, significant but mitigable, impacts.

a. Mitigation –

BIO-3(a) San Joaquin Kit Fox Pre-construction Survey. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. No more than 30 days prior to initiation of construction activities within the Compact Development Alternative area, a pre-construction survey shall be conducted by a County-approved biologist and shall encompass the disturbance footprint plus a 100-foot buffer. The pre-construction survey shall include a walking survey of the disturbance area to locate potential dens and other sign indicating the presence of SJKF (e.g., tracks, scat, etc.). The walking survey shall include transects spaced generally 33 feet (10 meters) apart such that they entire disturbance area can be visually inspected. If potential dens are located, tracking medium such as diatomaceous earth (used to take imprints of animal footprints) shall be placed around the den for a minimum of three consecutive days and the area shall concurrently be spotlighted for a minimum of three consecutive nights to determine occupancy. If dens occupied by SJKF, or other indications of SJKF presence, are located on-site or within the 100-foot buffer, no further action on-site shall occur until the U.S. Fish and Wildlife Service (USFWS) and CDFG have been consulted.

Exclusion zones shall be established around all dens that are occupied or that will be avoided by the development using flagged stakes. Use of fencing shall be avoided. Exclusion zones shall be at the discretion of the County-approved biologist and may include the following:

- Potential den: 50 feet
- Known den: 100 feet
- Natal/pupping den: buffer to be determined on a case-by-case basis in coordination with USFWS and CDFG.

Unoccupied dens that cannot be avoided during construction shall be removed upon approval from USFWS and CDFG through hand excavation by a USFWS-permitted biologist.

A report of the results of the pre-construction survey shall be prepared and shall include a map identifying the location(s) where SJKF or its sign are found.

BIO-3(b) San Joaquin Kit Fox (SJKF) Impact Avoidance. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. The following impact avoidance measures shall be implemented throughout the Study Area to reduce the potential for construction related impacts to the SJKF.

- Restrict construction activities to daylight hours.
- All trenches or holes more than two feet deep shall either be fully covered with plywood at the end of each work day or shall include escape ramps. All trenches or holes shall be inspected daily to ensure an animal is not trapped.
- All pipes, culverts, or similar structures shall be inspected for SJKF prior to capping, burying, or moving.
- Use of pesticides shall be avoided to the greatest extent feasible. If use of pesticides cannot be avoided, their use shall be restricted. A zinc phosphide or similar chemical rodenticide may be used if necessary to control rodent populations. All pesticides must be applied in accordance with federal and state standards.
- If a SJKF is found at a project site at any time during the course of construction, all construction activities shall cease and the CDFG and USFWS shall be contacted immediately for guidance.

BIO-3(c) San Joaquin Kit Fox Impact Minimization and Mitigation. Setbacks that exclude structural development and non-agricultural site disturbance shall be provided for a distance of 100 to 400 feet from the top-of-bank (depending on site specific conditions) of the portions of the Estrella River and San Juan Creek that traverse the Compact Development Alternative area to allow for habitat preservation and upland movement corridors for SJKF. The area between these buffers on either side of these waterways shall be designated as a Sensitive Resource Area (SRA) by the County. An additional movement corridor with a width of 200 feet shall be designated along the eastern edge of the Compact Development Alternative area between Fallingstar Phase II and the neighboring hillside. In addition, all suitable habitat to be developed shall be restored/preserved either on-site or at a County-approved off-site location within the Shandon Valley at a

minimum ratio of 1:1 (impacted:restored). Note that the regulatory agencies (e.g., USFWS & CDFG) may require a higher ratio. It is preferred that restored/preserved parcels occur as contiguous lands, rather than scattered parcels. Restored/preserved parcels shall be preserved in perpetuity through a conservation easement or deed restriction.

If lands are to be restored, a restoration plan shall be developed by a County-approved biologist and shall include goals, methods, success criteria, and a timeline, and shall be implemented for not less than five years.

BIO-3(d) Burrowing Owl Impact Pre-construction Survey. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Prior to initiation of ground disturbance activities, surveys shall be conducted to determine the presence/absence of burrowing owls where suitable habitat is present. A County-approved biologist shall survey the proposed disturbance footprint plus a 500-foot buffer to identify burrows and owls. Surveys for potential burrows shall be conducted by walking transects spaced generally 33 feet apart (10 meters) such that the entire survey area footprint can be visually inspected. Surveys for burrowing owls shall take place near sunrise or sunset in accordance with CDFG-adopted survey protocols (California Burrowing Owl Consortium, 1993) and shall focus on areas where burrows were found. All burrows or burrowing owls identified on-site shall be mapped. Surveys shall take place no more than 30 days prior to construction. Survey results will be valid only for the season during which the survey is conducted.

If no burrowing owls are detected during pre-construction surveys, no further mitigation is recommended.

BIO-3(e) Burrowing Owl Impact Avoidance. If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be avoided and a buffer shall be established around the occupied burrow(s) by the County-approved biologist. The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no construction activities shall occur within this buffer until the qualified biologist has determined that the burrow is no longer occupied.

If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with approval from the USFWS and CDFG. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

BIO-3(f) Vernal Pool Fairy Shrimp and Longhorn Fairy Shrimp Presence/Absence Determination. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Prior to land use clearance, the USFWS protocol for wet and dry season surveys shall be conducted to conclusively determine the presence or absence of VPFS and longhorn fairy shrimp on-site where

suitable habitat is present. The survey area shall include the disturbance footprint plus a 500 foot buffer. A 90-day report consistent with the current USFWS reporting guidelines shall be prepared to document the methods and results of surveys. Should the presence of VPFS, longhorn fairy shrimp or additional special status wildlife species be determined, a map identifying locations in which these species were found shall be prepared and included in the report. The report shall be submitted to the USFWS for approval.

If the surveys produce a negative finding for the presence of VPFS, then no further mitigation would be recommended.

BIO-3(g) Vernal Pool Fairy Shrimp and Longhorn Fairy Shrimp Avoidance. If VPFS or longhorn fairy shrimp are determined to be present on-site, then the following avoidance measures shall be implemented.

- An exclusion zone shall be established around each vernal pool found during the survey and shall be staked and flagged at the discretion of the County-approved biologist. The exclusion zone shall include areas up to 100 feet where pools are upslope from the construction site and up to 250 feet where pools are downslope of the construction site.
- Erosion control measures shall be implemented to reduce the potential for erosion of sediment into vernal pools. (See BIO-1 (h) above.)
- Work shall be avoided in the exclusion zone after the first substantial rainfall event (>0.25 inches) of the winter season until June 1, and/or until pools remain dry for 72 hours.
- Refueling and washing of vehicles shall occur no less than 100 feet from vernal pools and shall occur within a bermed and lined area to prevent contamination.
- Use of pesticides within 200 feet of vernal pools is prohibited.

BIO-3(h) Legless and Horned Lizard Surveys, Capture and Relocation. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Immediately prior to initiation of construction activities within the Compact Development Alternative area, capture and relocation efforts shall be conducted for the silvery legless lizard and coast horned lizard. Designated areas in permanent suitable habitat in open space shall be identified within or near the project site for release of captured legless and horned lizards.

Surveys shall be conducted by a County-approved biologist, and shall include raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches. In addition to raking, coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed in the survey area two weeks before surveys begin and shall be checked once a week during raking surveys. Captured lizards shall be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture.

During all grading activities, a qualified biologist shall be on-site to recover any silvery legless lizards or coast horned lizards that may be

excavated/unearthed with native material. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be released to a County-approved specialist until they are in a condition to be released into the designated release area.

BIO-3(i) Western Pond Turtle and Western Spadefoot Surveys, Avoidance, Capture and Relocation. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Where suitable habitat is present, a County-approved biologist shall conduct spring surveys for western pond turtles and western spadefoots before the onset of construction activities. If any western pond turtles or western spadefoots are found within 1,000 feet of construction activities such as lot grading or road construction, the biologist shall contact the CDFG to determine if moving any individuals is appropriate. If the CDFG approves moving animals, the biologist shall be allowed sufficient time to move the animals from the work site before work activities begin. If the CDFG does not recommend moving the animals, an appropriate buffer from seasonal pools, in-stream pools, and /or nesting sites shall be implemented and no grading or other construction activities shall occur within this buffer unless authorized by the CDFG. Only the County-approved biologist shall participate in activities associated with the capture and handling of these species.

BIO-3(j) San Joaquin Whipsnake Surveys, Avoidance, Capture and Relocation. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Where suitable habitat is present, a County-approved biologist shall conduct surveys for the San Joaquin whipsnake not more than 30 days prior to the onset of construction activities. If any San Joaquin whipsnakes are found within 100 feet of construction activities, such as lot grading or road construction, the biologist shall be allowed sufficient time to move the animals from the work site before work activities begin. Only the County-approved biologist shall participate in activities associated with the capture and handling of these species.

BIO-3(k) Pre-Construction Nesting Bird Surveys and Avoidance. This measure shall apply to all development within the Compact Development Alternative area. To ensure avoidance of impacts to nesting bird species and raptors (“birds of prey”), including ground-nesting species, all ground disturbing and/or tree removal activities shall occur between September 1 and February 15. If ground disturbing activities and/or tree removal cannot be conducted during this time period, pre-construction surveys for active nests shall be conducted by a County-approved biologist within and adjacent to all anticipated development areas at most two weeks prior to initiation of construction activities. If active nests are located, all construction work must be conducted outside a buffer zone to be determined by the biologist and the CDFG (typically 50 to 200 feet). No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. The biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction within the buffer zone.

If a nest for the fully-protected white-tailed kite and/or golden eagle is found within or adjacent to the proposed project, the CDFG shall be contacted for

guidance and no construction activities may occur within a minimum of 500 feet from a white-tailed kite or golden eagle nest until the biologist has confirmed that breeding/nesting is complete and the young have fledged.

BIO-3(l) American Badger Surveys and Avoidance. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. Direct take of adult and juvenile badgers shall be avoided. A pre-construction survey for active badger dens shall be conducted where suitable habitat is present prior to initiation of ground disturbance activities by a County-approved biologist and shall include a thorough walking survey of the entire development area between two weeks and four weeks prior to the start of any ground disturbance activity. The survey shall cover the entire area proposed for development plus a 100 foot buffer. Surveys shall focus on both old and new den sites. Dens found within the survey area shall be monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction.

Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 100 feet around the active den shall be demarcated by highly visible construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. A County-approved biologist shall use the methods described above to determine when an active den is no longer in use.

Between July 1 and April 30, badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for three to five days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the development area, the dens shall be collapsed with a shovel to prevent re-use.

The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.

BIO-3(m) Special Status Bat Surveys. This measure shall apply to all development within the Compact Development Alternative area. A County-approved, qualified biologist shall conduct presence/absence surveys for special status bats where suitable roosting habitat is present. Bat surveys shall be conducted in accordance with methods set forth by the CDFG in Distribution, Habitat Associations, Status, and Survey Methodologies for Three Molossid Bat Species (1998). Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. Surveys shall be conducted no more than 30 days prior to initiation of construction activities.

BIO-3(n) Special Status Bat Impact Avoidance. Areas where bats are located shall be avoided where feasible. If impacts to bats cannot be avoided, exclusionary devices, such as netting, shall be installed by a County-

approved biologist around the roost(s) after the bats have left the roost in the evening and shall be monitored for a minimum of three days to ensure that no bats return to the roost. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. Exclusion of bats must commence prior to establishment of maternity colonies, which varies by species. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Bat roosts shall be removed after the breeding season has ended but before the onset of winter when temperatures are too cold for bat movement.

If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), installation of bat boxes near the impacted roost would be necessary to reduce the impact to the bat species present. Bat boxes shall be species-specific in dimensions and should mimic a tree hollow or crevice. Bat boxes shall be installed at a height that is appropriate for the bat species and anti-predator measures, such as small metal spikes on the top, shall be included to protect bats.

BIO-3(o) Tulare Grasshopper Mouse Surveys and Avoidance. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. A County-approved, qualified biologist shall conduct presence/absence surveys for Tulare grasshopper mice where suitable habitat is present. Surveys shall be conducted using live traps. Surveys shall be conducted no more than 30 days prior to initiation of construction activities. Upon approval from CDFG, animals may be relocated to an approved location on-site outside of the ground disturbance footprint.

BIO-3(p) Wildlife Exclusion Fencing. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. All projects shall have a temporary exclusion fence installed around the perimeter of the ground disturbance footprint to prevent special status and other animals from entering the construction area. The exclusion fence, typically consisting of silt fencing, shall be buried a minimum of six inches below ground, shall have a minimum height of two feet above ground, and shall fully encompass the construction site. The exclusionary fence shall be maintained in good working condition and any damage or other malfunction shall be repaired immediately.

BIO-3(q) Pet Brochure. This measure shall apply to all discretionary land use permits or subdivisions within undeveloped parcels that are not infill parcels. For all residential developments, a pet brochure shall be prepared to inform prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs. The brochure shall also inform potential homebuyers of the potential for coyotes to prey on domestic animals.

BIO-3(r) Night Lighting Standards. Night lighting of public areas shall be kept to the minimum necessary for safety purposes. Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting within 100 feet of open space shall be low intensity and be less than 25 watts. Excessive night

lighting, such as for ball fields or tennis courts, shall not be permitted near open space areas.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact BIO-3 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

3. Impact BIO-4: Wildlife Movement. Implementation of the Compact Development Alternative would reduce the potential for movement of wildlife through the 20-year growth area and other areas of the Study Area due to overall loss of habitat. Cholame Creek, San Juan Creek, and the Estrella River each serve as natural movement corridors for a wide variety of species, particularly those adapted to riparian plant communities. The proposed land use plan for the Compact Development Alternative designates these corridors as Open Space, thus preserving them from development. Development of upland habitats adjacent to riparian corridors, however, may reduce the likelihood of use of these corridors by wildlife due to increased noise and light, increased human activities near the riparian corridor, and increased presence of domestic animals.

The 20-year growth boundary includes urban land uses that would convert annual grassland, and both active and fallow lands into commercial, residential, and mixed land uses. These areas may currently be used by a variety of wildlife species for movement through the Study Area, particularly where they abut open space areas. Developing lands adjacent to open space areas, particularly along riparian corridors including the Cholame Creek, San Juan Creek, and the Estrella River, may result in impacts through permanent loss of habitat and disruption of wildlife movement through these areas.

The Compact Development Alternative is designed to encourage development in and around existing urban land uses within the Study Area and, thus, minimize sprawl.

a. Mitigation –

Designation of riparian corridors as open space and implementation of mitigation measures BIO-1(b), BIO-1(e), BIO-1(g), BIO-1(h), BIO-3(c), BIO-3(p), BIO-3(q), and BIO-3(r) would reduce both temporary and permanent impacts to wildlife movement through open space areas. No additional mitigation would be recommended.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in

connection with applications for land divisions, land use and construction permits.

c. **Supportive Evidence –** Please refer to Impact BIO-4 in Section 4.4, *Biological Resources*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

E. Cultural Resources (Class II)

1. **Impact CR-2: Impact to Unknown Historic or Archaeological Resources.** Nine previously documented cultural resources have been identified within or adjacent to the Study Area. Although previous studies indicate that the area may contain only a low density of prehistoric sites, given the presence of recorded archaeological sites, there is still potential for buried archaeological deposits to occur throughout the Shandon area, including locations of potential future development within the Study Area. Disturbance of these resources is a Class II, potentially significant but mitigable impact.

   a. **Mitigation –**

      CR-2(a) Accidental Discovery of Human Remains. In the event of encountering human remains, the procedures described in Section 7050.5 of the California Health and Safety Code would be followed, and if those remains are determined to be of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code describe the procedures to be followed after the notification of the NAHC. In addition, the Conservation and Open Space Element Policy CR 4.4Section 19.20.035(a) of the County Building and Construction Ordinance, Section 22.10.040 of the County Land Use Ordinance and Public Resources Code 5097shall be implemented in the event that archaeological deposits are unearthed or discovered during ground-disturbing project activities.

   b. **Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

   c. **Supportive Evidence –** Please refer to Impact CR-2 in Section 4.5, *Cultural Resources*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

F. Drainage, Erosion and Sedimentation (Class II)

1. **Impact D-2: Long-Term Increases in Storm Water Runoff and Pollutant Discharges.** Development in accordance with the Compact Development Alternative would modify the natural infiltration capacity of the area and generate pollutants associated with denser populations, causing increased storm water runoff volumes and pollutant loading. The number of impervious surfaces would increase as farmlands, fields, and other natural vegetation with infiltration abilities are converted to rooftops, parking lots, and roadways with limited ability to absorb water. Storm water runoff would wash over these impervious surfaces,

picking up pollutants while gaining speed and volume because of the inability to disperse and filter in the ground. Development of each residential or commercial unit facilitated by the Compact Development Alternative would contribute to increased impermeable surfaces and associated peak storm water discharge and volumes of runoff. A potentially significant impact would result if storm water pollutant concentrations are not properly controlled.

Proposed storm drains and culverts are anticipated to be adequate for transporting the runoff to the discharge points. However, detention or retention basins may be recommended by the County Public Works Department in the future to provide for sediment removal and groundwater recharge where appropriate. These recommendations would be conditions of future project approval.

The recently adopted General Storm Water Permit for Construction Activities permit (NPDES permit) includes post-construction storm water performance standards which specify runoff reduction requirements for all sites greater than one acre not covered by a Phase I or Phase II municipal separate storm sewer system (MS4) NPDES permit to avoid, minimize and/or mitigate post-construction storm water runoff impacts. In addition, County Land Use Ordinance (LUO) Section 22.52.130(B)(1) requires that "runoff conveyance…be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the County engineer." The proposed storm water system will be required to comply with this ordinance as a condition of project approval. Furthermore, the proposed Compact Development Alternative Community Plan includes Stormwater Drainage Policies SDP-1 through SPD-3, which are intended to minimize stormwater impacts through comprehensive stormwater management. In addition, Stormwater Drainage Implementation Programs SDIP-1 and SDIP-2 of the proposed Compact Development Alternative would require development of a communitywide Stormwater System Plan and identify sources of financing for improvements to the community drainage system.

Although compliance with existing regulations and implementation of Compact Development Alternative Community Plan policies and programs would reduce the magnitude of impacts associated with stormwater runoff, impacts related to pollutant discharges and water quality would be Class II, significant but mitigable.

a. Mitigation –

D-2(a) LID-Integrated Management Practices. Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control storm water runoff where it is generated to reduce downstream impacts. LID technologies shall be employed by all new residential and commercial development. LID technologies shall be incorporated into the Stormwater System Plan as appropriate. The following LID practices shall be implemented to minimize post-development runoff peak and minimize water quality impacts:

- Impervious surface reduction through street and parking lot design, turf pavers, and green rooftops (a lightweight layer of soil and vegetation atop appropriate roofs);
- Pavement management and landscape design and maintenance;
- Bioretention cells (soil and plant based filtration devices);
- Tree boxes to capture and infiltrate street runoff;

- Vegetated swales, buffers and strips;
- Roof leader flows directed to planter boxes and other vegetated areas;
- Permeable pavement;
- Impervious surface reduction and disconnection;
- Soil amendments to increase infiltration rates; and
- Rain gardens, rain barrels, and cisterns.
- Only natural fiber, biodegradable materials shall be used.

Since LID is intended to mimic the pre-development regime through both volume and peak runoff rate controls (Haltiner, 2006), the flow frequency and duration for the post-development conditions should be identical (to the greatest degree possible) to those for the pre-development conditions.

D-2(b) Pollutant Removal Techniques. In addition to LID-integrated management practices recommended by measure D-2(a), the Stormwater System Plan shall incorporate, and all new residential and commercial development that would result in the development of more than one acre of a given area, or as determined appropriate by the Public Works Department shall integrate into the project design available technologies and techniques to remove pollutants from site runoff prior to entering drainage courses or the public right-of-way. Such techniques shall include reduced slope grading, drainage through vegetative zones (e.g., bio-swale) and other options to intercept pollutants being conveyed toward drainage paths. Technological solutions such as gravelly filter blankets or particulate filters (e.g. Fossil Filters) should also be installed as pollutant-removal solutions. Only natural fiber, biodegradable materials shall be used.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact D-2 in Section 4.6, *Drainage, Erosion, and Sedimentation*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

G. Geologic Hazards/Site Alteration (Class II)

1. Impact G-2: Liquefaction and Other Seismic- and Soil-Related Hazards.

Liquefaction and Seismically-Induced Settlement. Future development facilitated by the Compact Development Alternative would be located in areas with high liquefaction potential which would expose people and structures to potentially significant hazards. Therefore, impacts related to liquefaction and seismically induced settlement would be Class II, significant but mitigable.

Expansive Soils. Several *s*oils in the proposed 20-year growth boundary are characterized as having a moderate to high shrink–swell (expansion) potential. Structures and facilities developed in these locations, as well as occupants and

patrons of the structures, could be exposed to hazards related to expansive soils. Impacts related to expansive soils would be Class II, significant but mitigable.

a. Mitigation –

G-2(a) Reduction of Liquefaction Potential. Prior to development pursuant to the Compact Development Alternative, appropriate techniques to minimize liquefaction potential shall be prescribed by an engineering geologist and implemented by the applicant prior to issuance of Building Permits. Suitable measures to reduce liquefaction impacts shall include one or more of the following as recommended by a qualified engineer: specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. All structures shall comply with applicable methods of the California Building Code (CBC), as amended at the time of the time of permit approval.

G-2(b) Soils/Foundation Report Measures. Individual property developers proposing development within the areas identified as having a moderate or high shrink-swell potential shall submit a soils/foundation report as part of the application for any proposed Building Permit(s). To reduce the potential for foundation cracking, one or more of the following shall be implemented as recommended by a qualified engineer:

1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
2. Removal of the highly expansive material and replacement with non-expansive compacted import fill material.
3. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
4. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.
5. Where necessary, construction on transitional lots shall include over excavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable methods.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact G-2 in Section 4.7, *Geologic Hazards/Site Alteration*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

Land Use (Class II)

1. **Impact LU-2: Construction-Related Land Use Conflicts.** The use of construction equipment and generation of fugitive dust during construction facilitated by the Compact Development Alternative would increase localized noise levels and result in a temporary reduction in local air quality. In addition, the generation of debris during construction may result in temporary impacts to visual resources. Nearby sensitive receptors include existing residences within Shandon and scattered rural residences located in the community vicinity, as well as the junior/senior high school, elementary school, church, community center, and senior center. The Compact Development Alternative would accommodate up to an additional 1,064 residential units and 899,000 square feet of commercial space. As a reasonable worst-case scenario from a noise impact perspective, disturbance associated with construction may be located in close proximity to the sensitive receptors.

   As discussed in greater detail in Section 4.9, *Noise*, of the Final EIR construction-related noise impacts are significant but mitigable. Mitigation measure N-1(a) would apply to development facilitated by the Compact Development Alternative, thereby ensuring less than significant impacts. Similarly, as discussed in greater detail in Section 4.3, *Air Quality,* of the Final EIR, construction-related air quality impacts are significant but mitigable. Mitigation measures AQ-1(a) through AQ-1(e) would apply to future development in accordance with the Compact Development Alternative, and would reduce impacts to a less than significant level. Therefore, the impact of noise and dust from construction of Compact Development Alternative land uses would be Class II, significant but mitigable.

   a. **Mitigation –**

      Measures described in Sections 4.9, *Noise*, and 4.3, *Air Quality* of the Final EIR, would mitigate impacts to a less than significant level. No further mitigation is recommended in order to reduce this impact.

   b. **Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

   c. **Supportive Evidence –** Please refer to Impact LU-2 in Section 4.8, *Land Use*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. **Impact LU-3: Long-Term Land Use Conflicts.** Buildout in accordance with the Compact Development Alternative would include 1,437 total dwelling units (including 1,064 new units in addition to the existing 336 units within the existing URL and 37 units within the proposed 20-year growth boundary), as well as up to 899,000 square feet of commercial/retail development. This level of development would alter the present land use on sites throughout the proposed 20-year growth boundary, and may result in incompatibilities with adjacent existing and planned land uses.

   Commercial and residential development in the proposed 20-year growth boundary could conflict with the rural character of the community, block scenic

views, or introduce nighttime lighting and daytime glare in areas that currently lack extensive lighting and glare. These impacts are discussed in Section 4.1, *Aesthetics,* of the Final EIR. Residential development on or adjacent to agricultural lands could result in potential incompatibilities with adjacent agriculture activities. Future residential development could have several negative impacts on continued on-site and adjacent agricultural production activities; and residents living adjacent to farmland could be adversely affected by odors, noise, dust, and pesticide spraying associated with agricultural operations. These impacts are discussed in Section 4.2, *Agricultural Resources,* of the Final EIR.

The Compact Development Alternative also contains several land use changes which, in addition to the development described above, could affect potential long-term compatibility conflicts. In particular, the Compact Development Alternative contains several commercial/residential interfaces, as well as approximately 26.4 acres designated as mixed-use development. Locating commercial/retail uses within close proximity of residential units can expose residents to higher levels of noise than what would be expected in purely residential neighborhoods because of associated commercial/retail traffic, loading docks, mechanical equipment (such as generator, heating, ventilation, and air conditioning [HVAC] units), deliveries, trash hauling activities, and customer and employee use of the facilities associated with commercial uses. These impacts are discussed in greater detail in Sections 4.9, *Noise,* and 4.1, *Aesthetics* of the Final EIR.

The Compact Development Alternative is intended to provide for the orderly development of the Shandon community. As such, new supporting infrastructure included in the Compact Development Alternative, such as new roadways, redirection of existing roadways, or other infrastructure, such as drainage, water, and wastewater facilities, would be designed to support the proposed level of development. The only proposed roadway realignment is a minor realignment of old San Juan Road, which currently continues due north to Centre Street, and would be realigned to curve slightly west before joining East Centre Street. Other road improvements would include improved access to SR 46, a pedestrian bridge on Centre Street at San Juan Creek, a possible second vehicular crossing of San Juan Creek, and construction of a new paved water tank access road. These improvements are designed to enhance transportation and connectivity through the community, and would not physically divide the existing Shandon community. However, due to potential conflicts between residential and commercial/retail uses, impacts from long-term land use conflicts would be Class II, significant but mitigable.

a. Mitigation –

Measures described in Sections 4.1, *Aesthetics*, 4.2, *Agricultural Resources*, 4.9, *Noise*, and 4.10, *Public Safety,* of the Final EIR would mitigate impacts related to potential conflicts between residential and non-residential (commercial/retail, agricultural, and/or industrial) uses. No further mitigation is recommended in order to reduce this impact.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included

as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact LU-3 in Section 4.8, *Land Use*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

I. Noise (Class II)

1. Impact N-1: Temporary Construction Noise. Noise from individual construction projects that could be facilitated under the Compact Development Alternative would create temporary noise level increases on and adjacent to individual construction sites. The San Luis Obispo County Code exempts construction activities from the noise standards of the Land Use Ordinance between the hours of 7 a.m. and 9 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m., Saturday and Sunday. However, existing sensitive receptors within 300 feet of construction activities may intermittently be exposed to nuisance noise levels during construction associated with the Compact Development Alternative. In addition, vibration from construction activities could also impact nearby sensitive land uses. The primary sources of man-made vibrations are blasting, grading, pavement breaking and demolition. The primary vibratory source during construction within the Compact Development Alternative would likely be large bulldozers and loaded trucks. Existing residences or other sensitive receptors in very close proximity to construction activities may intermittently be disturbed by annoying vibration noise levels. Small scale construction activities would be temporary and intermittent in nature, thereby resulting in less than significant impacts. However, large scale projects such as residential subdivisions, large commercial complexes, and the proposed wastewater treatment facility would require construction over a greater period of time, which could result in impacts to nearby sensitive receptors. Construction-related noise impacts would therefore be Class II, significant but mitigable.

a. Mitigation –

N-1(a) Construction Equipment. Stationary construction equipment that generates noise that exceeds 50 dB(A) Leq at the boundaries of adjacent residential properties or other noise sensitive land uses shall be baffled to reduce noise and vibration levels. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

Refer to Impact N-1 in Section IV above for agricultural operations-related noise impacts.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in

connection with applications for land divisions, land use and construction permits.

c. **Supportive Evidence –** Please refer to Impact N-1 in Section 4.9, *Noise*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. **Impact N-2: Long-Term Operational Noise**. Buildout of the Compact Development Alternative would increase human activity and related noise in the Shandon community and vicinity, primarily due to increased vehicular traffic.

   Proposed sensitive land use designations along SR 41 from Centre Street to First Street, First Street to Toby Way and Toby Way to SR 46 include Residential and Recreation (outdoor sports and recreation) land uses. These new land uses along these segments of SR 41 would be exposed to noise levels up to 69 db(A), which exceed the County noise thresholds. A 24 dB(A) reduction in noise levels would be required to achieve interior noise levels of 45 dB(A) or less. The San Luis Obispo County General Plan Noise Element states that a 25 dB(A) noise level reduction can be achieved with conformance to the latest Uniform Building Code standards provided that the new development incorporates specific noise attenuation mitigation measures as listed in the Noise Element. With incorporation of noise attenuation mitigation measures as listed in the Noise Element to reduce noise levels by 25 dB(A), interior noise levels would be reduced to 44 dB(A), which is below the County's 45 dB(A) interior noise threshold.

   Although interior noise levels could be reduced below thresholds, proposed sensitive land uses adjacent to segments of SR 41 within the noise contours discussed above would be exposed to exterior noise levels up to 69 dB(A). Impacts associated with noise levels in outdoor activity areas at these proposed sensitive uses along State Route 41 would be Class II, significant but mitigable

   a. **Mitigation –**

      The following mitigation measures are recommended for proposed sensitive uses that may be exposed to noise levels in excess of the County 65 dB(A) exterior noise limit.

      N-2(b) Orientation of Outdoor Activity Areas. Prior to issuance of land use permits for new residential development under the Compact Development Alternative, documentation shall be provided to Planning and Building that shows that exterior noise levels at all outdoor activity areas for proposed new sensitive land uses along SR 41 do not exceed the County's 65 dB(A) exterior noise standard for outdoor activity areas. Outdoor activity areas include backyards and other areas where activities may occur. In order to achieve this standard, outdoor activity areas at noise-sensitive land uses near affected roadways shall be oriented away from the affecting roadway. Alternatively, outdoor activity areas should have individual masonry walls that block line-of-sight to the affecting roadway noise sources.

      N-2(c) Building Façade Improvements. Prior to issuance of land use permits, documentation shall be provided to Planning and Building that shows that interior noise levels in proposed new residential units along SR 41 do not exceed 45 dB(A). Techniques to reduce noise levels by 25 dB(A) include implementation of Uniform Building Code standards and the following:

- Installation of doors with a minimum Sound Transmission Class (STC) rating of 50;
- Installation of commercially available windows with STC ratings of 32 or higher;
- Within residences, location of bathrooms and kitchens toward the noise source, with bedrooms located away from the noise source; Air conditioning or a mechanical ventilation system is installed so that windows and doors may remain closed;
- Exterior walls consist of stucco or brick veneer. Wood siding with a ½" minimum thickness fiberboard ("soundboard") underlayer may also be used;
- Glass in both windows and doors should not exceed 20% of the floor area in a room.
- Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications);
- Placement of windows and balconies away from roadways; and,
- Roof or attic vents shall be baffled.

N-2(d) Truck Delivery Limitations. Truck deliveries to commercial uses on mixed use development sites shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and Saturdays. Delivery areas shall be oriented away from sensitive uses to the extent feasible. No deliveries shall occur on Sundays.

N-2(e) Common Wall Insulation. Pursuant to County Building and Construction Ordinance requirements, common walls between horizontal (side-by-side) and vertical (stacked) mixed use commercial/residential development shall be noise-insulated to provide attenuation of indoor noise levels.

N-2(f) Sound Barriers for External Equipment. External noise-generating equipment associated with commercial uses (e.g., HVAC units, etc.) that are located in mixed use developments and/or adjacent to residential uses shall be shielded or enclosed with solid sound barriers.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact N-2 in Section 4.9, *Noise*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

J. Public Safety (Class II)

1. Impact S-1: Residual Agricultural Chemicals. Due to the extensive historical agricultural production that has occurred in the Shandon vicinity, the potential exists for the presence of undocumented residual quantities of presently-banned agricultural chemicals. Additionally, the current use and storage of agricultural chemicals in and around the Shandon community could result in releases of

contaminants that could cause adverse health effects. Because development facilitated by the proposed Compact Development Alternative could occur on land that has previously been used for agricultural production, potential impacts could occur.

It should also be noted that groundwater depths for the majority of the Compact Development Alternative area are less than 30 feet. Should groundwater be encountered, and if it is contaminated, there is the potential for release of contaminants onto areas envisioned for future development. This would be a Class II, significant but mitigable impact.

a. Mitigation –

S-1(a) Soil and Groundwater Assessment. Prior to construction in areas historically used for agriculture, a soil and groundwater assessment shall be completed by a registered soils engineer or soils remediation specialist to determine the presence or absence of regulated contaminants. If soil or groundwater sampling indicates the presence of any contaminant in quantities not in compliance with applicable laws, the Regional Water Quality Control Board (RWQCB) and Department of Toxic Substances Control (DTSC) shall be contacted by future project applicants to determine any necessary remediation efforts. Soils and/or groundwater shall be remediated in compliance with applicable laws. Site assessments that result in the need for soil excavation are recommended to include: an assessment of air resource impacts and health impacts associated with excavation activities; transportation impacts from the removal or remediation activities; and risk of upset management practices shall be employed if an accident occurs on or off the site. A copy of applicable remediation certification from RWQCB and/or DTSC, or written confirmation that a certification is not recommended shall be submitted to the San Luis Obispo County Planning and Building Department prior to issuance of a building permit.

S-1(b) Groundwater Testing. In the event that groundwater is encountered during grading or construction, all grading or construction work in the vicinity of the groundwater shall be halted and the groundwater shall be tested for Total Petroleum Hydrocarbons (TPH) and Volatile Organic Compounds (VOCs), and be screened for common agricultural groundwater pollutants using EPA testing methods. If one or more pollutants are found in unsafe concentrations, the water shall be treated to a concentration below RWQCB standards by a County approved registered environmental assessor or environmental engineer in consultation with RWQCB before the water can be released into the watershed. Such testing can occur in advance of grading activities to preclude the possibility of watershed contamination.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. **Supportive Evidence –** Please refer to Impact S-1 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. **Impact S-2: Risk of Upset.** The Study Area is intersected by four pipelines, including three petroleum pipelines and a State Water Project pipeline. The Compact Development Alternative may facilitate new development in locations near these pipelines. Failure of these pipelines could expose the adjacent population to fire and explosion hazards. Hazards associated with the failure of the water pipeline would be flooding within the Study Area. These pipelines are inspected on a regular basis per state and federal requirements, and under normal conditions do not present a hazard to the community. In addition, a records search was performed for the Study Area and no hazardous materials sites associated with these pipelines were reported. Nonetheless, construction activities have the potential to rupture these pipelines. Impacts are Class II, potentially significant but mitigable.

   a. **Mitigation –**

      S-2(a) Underground Service Alert. Prior to construction, Underground Service Alert (i.e., USA North) shall be contacted at 811 in order to determine the location of underground pipelines relative to construction activities to ensure pipelines are not damaged or ruptured during construction. If during construction/grading activities the contractor discovers an unknown waste or debris which is believed to involve hazardous waste and/or materials, the contractor shall immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area, and contact the County Planning and Building Department. If hazardous materials (including contaminated soil or groundwater) are uncovered during construction activities, the County and/or the project contractor and authorized agents thereof shall take appropriate measures to assure worker safety and provide for assessment and remediation in accordance with local, state, and federal regulations.

   b. **Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

   c. **Supportive Evidence –** Please refer to Impact S-2 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. **Impact S-4: Valley Fever.** The Study Area contains dry relatively undisturbed soils and known archaeological resources. In addition, the San Luis Obispo County Public Health Department has identified 508 cases of valley fever over the last four years within San Luis Obispo County (San Luis Obispo County Public Health Department, 2009). As a result, valley fever spores have the potential to occur within the Compact Development Alternative 20-year growth boundary. Exposure to valley fever spores could occur during large-scale grading and excavation operations, particularly during summers that follow a rainy winter or spring, or during and immediately after wind and dust storms if spores are

present in soil within areas anticipated for development under the Compact Development Alternative. This impact would be Class II, significant but mitigable.

a. **Mitigation –** Mitigation measures AQ-1(b) (Dust Control), AQ-1(c) (Cover Stockpiled Soils), AQ-1(d) (Dust Control Monitor), and AQ-1(e) (Active Grading Areas) in Section 4.3, *Air Quality*, of the Final EIR would minimize dust generation, thereby minimizing exposure to valley fever spores, should they be present. In addition, the following mitigation measure is recommended:

   S-4(a) Disclosure of Potential Health Hazard. This measure shall apply to all new construction of discretionary land use permits or subdivisions within undeveloped parcels. A brochure that discloses the potential health hazards associated with valley fever shall be provided to all construction personnel. At a minimum, the brochure shall include a description of the health effects of valley fever and methods to prevent such effects. The text of the brochure shall be submitted for review by the San Luis Obispo County Health Department. For residential developments, the brochure shall be provided to inform prospective homebuyers about the health effects of valley fever.

b. **Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. **Supportive Evidence –** Please refer to Impact S-4 in Section 4.10, *Public Safety*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

K. Public Services and Utilitires (Class II) – No Class II impacts.

L. Recreation (Class II) – No Class II impacts.

M. Transportation, Circulation, and Traffic (Class II)

1. **Impact T-4: Bicycle, Pedestrian, and Transit Facilities.** Most transportation within the Shandon area is via private automobile, with limited facilities for alternative transportation, and most commute trips are made by private vehicle. However, Shandon is served by the existing San Luis Obispo Regional Transit Authority (RTA) Shandon/Paso Dial A Ride program. The Dial A Ride program offers riders door-to-door transportation within the community of Shandon and to locations in Paso Robles. This service is available, by reservation only, on Mondays, Wednesdays and Fridays from 8:00 a.m. to 5:00 p.m., and offers connections to the Regional Transit Authority's Route 9 bus, Paso Express, and the North County Shuttle at Paso Robles Train Station for additional travel throughout the County. Buildout of the Compact Development Alternative would substantially increase the local population and the associated demand for public transit services. The Compact Development Alternative's impact on the regional public transit system is therefore Class II, significant but mitigable.

   a. **Mitigation –**

T-4(a) Public Transit Service Improvements. Future applicants for land divisions and discretionary permits shall coordinate with San Luis Obispo Regional Transit Authority (RTA) and San Luis Obispo Regional Rideshare to implement the following improvements to existing public transit services:

- Expand the existing Dial A Ride program to provide afternoon/evening and weekend transportation on a regular schedule in consultation with San Luis Obispo Regional Transit Authority (RTA);
- At sites determined in consultation with RTA, provide improved public transit amenities (i.e., covered transit turnouts, direct pedestrian access, covered bench, smart signage, route information displays, lighting etc.);
- At sites determined in consultation with RTA, provide a display case or kiosk displaying transportation information in a prominent area accessible to employees and residents; and
- Commercial uses with more than five employees shall implement a Transportation Choice Program to reduce employee commute trips in consultation with San Luis Obispo Regional Rideshare. Information and support for carpools and vanpools shall be provided, and the formation of a telecommuting center shall be considered.
- Construct a Park & Ride lot in the Compact Development Alternative Study Area. The site shall be located in an area with existing pavement or other site disturbance.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact T-4 in Section 4.13, *Transporation, Circulation and Traffic*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

M. Water and Wastewater (Class II)

1. Impact W-1 Water Supply. Based on the demand estimation factors used in the *Water Resources Evaluation* (Appendix I), the Compact Development Alternative would result in a new urban water demand of approximately 568 AFY. When added to the baseline water demand of 2,047 AFY in the Study Area, this alternative would result in a total water demand of 2,615 in the Study Area. Although planned urban development in accordance with this alternative would displace irrigated croplands, the amount of historical water demand from such croplands is variable and it is presumed that croplands with a similar amount of water demand would intensify elsewhere in the groundwater basin area based on the market demand for agricultural commodities. Therefore, no offset of agricultural water demand is assumed in this analysis or required to reduce impacts below thresholds of significance. As indicated by the *Water Resources Evaluation* (Appendix I), a demand of 2,431 AFY or greater would result in

overdraft of groundwater resources. Therefore, impacts to groundwater resources would be Class II, significant but mitigable.

a. Mitigation –

W-1(a) Importation of State Water Project. The County has contract rights to request a portion of the State Water Project water each year, in accordance with a long term water service contract with the Department of Water Resources. Future applicants shall fund the County's pursuit of this State Water Project allocation to offset impacts to groundwater resources.

W-1(b) Retrofit Program for Existing Development. Future applicants for land divisions and discretionary permits shall fund the County's development and implementation of a toilet retrofit program to replace existing high flow toilets (5.5 gallons per flush) with low flow toilets (1.28 gallons per flush) in existing residential and commercial structures. It is assumed that approximately two-thirds of the existing 373 residential units within the Study Area have high flow toilets and that up to 70% of those toilets could be converted to low flow toilets (assumptions based on Santa Barbara County Resource Management Department, Groundwater Thresholds Manual, 1992). The annual savings per person is approximately 6,163 gallons. Return flow are estimated to be 31%. Therefore, this program could save up to approximately 8 AFY. Additionally, existing commercial uses would further reduce water demand if they participated in the program; however, data is not available to estimate the amount water savings for these uses.

W-1(c) Water Conservation Measures. New residential and commercial development within the Compact Development Alternative area shall implement the following water conservation measures.

- Installation of low flow or dual flush toilets;
- Installation of low flow shower heads and water faucets;
- Installation of energy efficient appliances;
- Drip irrigation or micro-sprayers on appropriate landscaped areas;
- Use of devices such as soil monitors and rain shutoff devices for all automatic irrigation systems;
- Use of mulch in non-turf areas;
- Use of permeable hardscape to the extent feasible;
- Use of soil amendments to increase soil moisture holding capacity of soil;
- Use of native low water using landscaping; and
- As available, participate in a tiered water rates program that charges higher rates based on higher volumes of water use, and lower rates based on lower volumes of water use, to provide a financial incentive to conserve water.

W-1(d) Groundwater Offset. New nonagricultural use of groundwater shall be offset through one or more of the means listed below prior to issuance of construction permits for any of the following new development: 1) development resulting from new land divisions, 2) land use permits that result in greater than four (4) dwelling units, 3) development of more than 9,999 square feet of floor area for uses listed under the industry, manufacturing and

processing land use group, 4) development of more than 2,499 square feet of floor area for uses listed under all other non-residential use groups.

a. Retrofit high-flow toilets and other plumbing fixtures within the Paso Robles Groundwater Basin with low-flow toilets and plumbing fixtures;
b. Participate in a Board of Supervisors-approved pluming retrofit program for the Paso Robles Groundwater Basin;
c. Use the California Urban Water Conservation Council's (CUWCC) best management practices for water conservation;
d. Pay a "fair share" of the costs for delivering State water in excess of CSA-16's 2011 allocation of 100 acre-feet per year;
e. Participate in a Board of Supervisors-approved lot retirement program for the Paso Robles Groundwater Basin;
f. Participate in the County's Transfer of Development Credits (TDC) program pursuant to Chapter 22.24, provided eligible sending sites are located within the Paso Robles Groundwater Basin, and receiving sites shall not be eligible for a density bonus. The receiver site will receive credit for the water demand that the sending site would have otherwise used, if developed. The ground water off-set shall be determined at the same time the receiver site determination is made.
g. Participate in a Board of Supervisors-approved rural water conservation program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.
h. Participate in a Board of Supervisors-approved fee program that results in reducing groundwater pumping within the Paso Robles Groundwater Basin.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact W-1 in Section 4.14, *Water and Wastewater,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR. Implementation of the groundwater offsets required in Mitigation Measure W-1(d) is anticipated to result in a net water demand of no more than 50 AFY, from small-scale development for which offsets would not be applied. Implementation of Mitigation Measure W-1(a) would result in importation of 100 AFY of State Water to the Paso Robles Groundwater Basin area, which would fully offset the anticipated net increase in water demand. In addition, much of the water supply used as a result of planned urban development in the study area would replenish the groundwater basin as return flows from the wastewater treatment plant. The amount of this replenishment would range from 238 AFY to 280 AFY.

2. **Impact W-2: Water Facilities Impacts due to Increased Demand.** Project-specific velocities and pressure, pipe sizing, well capacities, fire flow requirements for future upgrades to the water distribution system would need to be determined when such upgrades are designed. The current *Water Master Plan*, which would specify such requirements for CSA 16, does not reflect

buildout of the Compact Development Alternative. As such, the Water Master Plan would need to be updated to accommodate the level of development anticipated by the Compact Development Alternative. Therefore, impacts to water facilities would be significant but mitigable, Class II.

a. Mitigation –

W-2(a) Water Master Plan Update. The CSA 16 Water Master Plan shall be updated to include the proposed Compact Development Alternative and corresponding expansion of the CSA 16 service boundary. The update should be guided by the County Public Works Department and be funded by future developers in proportion to the increase their development will have on the area covered by the CSA 16 Water Master Plan. Additional funding to prepare the Master Plan Update would come from source identified in the Public Facilities Financing Plan for the Compact Development Alternative. The Master Plan Update will serve both the existing community and new development and should accomplish, at a minimum, the following:

1. Provide project-specific evaluations of velocities and pressure throughout the system at various demand scenarios.
2. Provide project-specific hydraulic modeling and fire flow analyses to evaluate impacts to operating pressures and fire flow availability in the existing and proposed water system and determine what, if any, water system upgrades are recommended for each project.
3. Provide design criteria and standards for various components of the water system, including pipe sizing, well capacities, fire flow requirements, pipe velocities and pressures.

Provide phasing recommendations for upgrades to the water system.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact W-2 in Section 4.14, *Water and Wastewater*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

2. Impact W-3: Wastewater Treatment and Disposal Facilities. Overall, the proposed WWTF would provide sufficient treatment capacity to accommodate buildout of the Compact Development Alternative, but would not include adequate disposal and storage facilities. Impacts would be Class II, significant but mitigable.

Considering the proximity to the Estrella River, groundwater levels at the site may restrict the feasibility of siting a septic system and leachfield on the parcel. The Basin Plan sets minimum setbacks from watercourses and domestic water wells at 100 feet. Although the size of the parcel and characteristics of the underlying soils are favorable toward implementation of a septic system with leach fields, site specific borings, groundwater quality data, percolation tests, and

hydrogeological characterization will be required to confirm the suitability of the proposed site and system design. Impacts would be Class II, significant but mitigable.

a. Mitigation –

W-3(a) Wastewater Disposal and Storage Capacity. The proposed WWTF storage and disposal facilities shall be designed to allow phasing to eventually accommodate full buildout of the Compact Development Alternative.

W-3(b) Septic Tank and Leachfield Site Plan. Future applicants for development on the northwest commercial parcel shall develop and submit a septic tank and leachfield site plan, as well as percolation tests and borings in accordance with County leachfield design/construction requirements. The applicant shall demonstrate sufficient leachfield percolation for proposed uses, in accordance with County standards.

b. Findings – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits.

c. Supportive Evidence – Please refer to Impact W-3 in Section 4.14, *Water and Wastewater*, and Section 6.3.2 in Section 6.0, *Alternatives,* of the Final EIR.

O. Greenhouse Gas Emissions (Class II) No Class II impacts.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the program are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the program may result in the following significant, unavoidable environmental impacts:

A. Aesthetics (Class I) – No Class I Impacts.

B. Agricultural Resources (Class I)

1. **Impact AG-1: Conversion of Prime Agricultural Lands.** Several areas containing prime agricultural land that are currently designated Agriculture would be converted to non-agricultural use under the Compact Development Alternative. This includes areas west and north of the existing URL, and the Fallingstar Phase II property. In addition, the Compact Development Alternative includes construction of a new wastewater treatment facility (WWTF), which would be located on prime agricultural land in areas designated Agriculture. Development of the WWTF would result in the conversion of an additional 31 acres of agriculture. In addition, approximately 359 acres within the 20-year growth boundary are currently under Williamson Act Contract. The areas under contract include a large parcel northwest of the existing Shandon URL and the

easternmost portion of the 20-year growth boundary, south of Centre Street/SR 41. Both of these parcels could be developed with residential, commercial and/or mixed uses under the Compact Development Alternative. In addition, the wastewater treatment facility location is under Williamson Act contract. This development would conflict with the existing Williamson Act Contract. Due to the conversion of prime agricultural land to non-agricultural use and conflicts with existing Williamson Act Contracts, impacts would be Class I, significant and unavoidable.

a. Mitigation –

AG-1(a) Reduction of Premature Agricultural Conversion. To reduce premature conversion of prime agricultural lands, including those currently under a Williamson Act Contract, the following policy shall be added to the Compact Development Alternative Community Plan:

The County shall develop specific priority rankings for the appropriate timing and location of agricultural conversion in consultation with the Agricultural Department. The factors used to determine these rankings may include, but would not be limited to, the following:

- Development of vacant land within urban areas before agricultural land outside of the urban area;
- Adjacency to existing urban or suburban development;
- Prioritized protection of prime land before non-prime land; and
- Prioritized protection for certain agricultural uses (e.g., row crop terrain and soils, specialty crops and forage lands, dry farm lands, and rangelands for grazing).

AG-1(b) Farmland Conservation. Prior to the map recordation, future applicants for projects located on prime agricultural land in areas currently designated for Agriculture shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of 1:1 for direct impacts and 0.5:1 for indirect impacts. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved may consist of no more than three noncontiguous parcels, and shall be of a quality that is reasonably (as determined by the Agricultural Commissioner or designee) similar to that of the farmland within the proposed 20-year growth boundary. The area shall be located within San Luis Obispo County within a reasonable proximity to the Study Area.

Subject to the approval of the Agricultural Commissioner, in lieu of mitigation measure AG-1(b), the following mitigation may be implemented.

AG-1(c) Funding for Farmland Conservation. Prior to the map recordation, future applicants for projects located on prime agricultural land and in areas currently designated for Agriculture shall provide evidence to the County Planning and Building Department that funds sufficient (as determined by the Agricultural Commissioner or designee) to, (1) purchase a farmland

conservation easement, deed restriction, or other farmland conservation mechanism, and (2) to compensate for administrative costs incurred in the implementation of this measure, have been provided to the California Farmland Conservancy Program or similar program (as approved by the Agricultural Commissioner or designee), which will provide for the conservation of adequate acres of farmland [based on ratios defined in mitigation measure AG-1(b)] in San Luis Obispo County.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact AG-1 in Section 4.2, *Agricultural Resources,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

C. Air Quality (Class I)

1. **Impact AQ-4: Objectionable Odors.** The Compact Development Alternative includes the provision of a new wastewater treatment plant that would be constructed as residential and commercial development occurs. The wastewater treatment facility location would place the treatment plant less than one mile from proposed and existing residential uses and other sensitive receptors such as schools. Significant impacts could result if the wastewater treatment plant is located less than one mile from sensitive receptors. The close proximity of the plant may allow for nuisance odors to drift and affect these nearby residential uses on days with low winds. These nuisance odors would be difficult to confine as they are carried by wind towards existing and proposed residential uses and other sensitive receptors. Therefore, due to the proposed locations of the plants and because it is located less than one mile from sensitive receptors, impacts would be Class I, significant and unavoidable.

   a. Mitigation –

   AQ-4(a) Odor Reduction Measures. The wastewater treatment plant design shall include technologies to reduce odor emissions, which may include one or more of the following:

   - Add-on Controls
   - Process Changes
   - Carbon Absorption
   - Incineration
   - Strategic Placement of stacks/vents

   b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and

included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact AQ-4 in Section 4.3, *Air Quality,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

E. Biological Resources (Class I) – No Class I Impacts.

F. Cultural Resources (Class I)

1. Impact CR-1 Impact to Known Historic or Archeological Resources. Planned commercial retail uses and lands designated for mixed use land would be located within the historical core of the community. The Compact Development Alternative would also include public services such as water and sewer systems and road improvements to support the new development, as well as new parkland. Most of the new residential units and parks would not impact historical buildings, although the majority of the new commercial and mixed use units would fall within the boundaries of the original town site where the majority of the community's historical buildings are located. As a result, a significant impact on historical resources could occur through damage to or destruction of significant properties, or by diminishing the integrity of the context and setting of such properties. Such impacts from Plan buildout, rezoning, and other actions would be significant and unavoidable, Class I.

a. Mitigation –

CR-1(a) Community Plan Resource Protection Policies. The following policies shall be added to the proposed Community Plan Update:

- Archaeological and historical resources shall be protected and preserved to the maximum extent feasible.
- Where preservation is not feasible, the significance of each resource shall be evaluated according to current professional standards and appropriate mitigation measures shall be implemented prior to County approval of any development. Mitigation may include, but not be limited to, data recovery and graphic documentation (photographs, drawings, etc.).

CR-1(b) Historical Buildings. At the time of application for discretionary land use permits or subdivisions that involve the demolition or alterations of buildings or structures greater than 50 years old within the 20-year growth boundary, the applicant shall retain a historian or architectural historian who meets the Secretary of Interior's Professional Qualifications Standards to document and evaluate the historical significance of the affected buildings or structures. If such documentation and evaluation indicates that the building or structure qualifies as a significant historical resource, further documentation to reduce impacts on historical resources shall be provided, including but not limited to archival quality photographs, measured drawings, oral histories, interpretive signage, and/or other measures.

It is further recommended that the County complete an inventory of historical resources within the Shandon community to provide a list of significant properties that may warrant additional treatment in the event of proposed future building alterations, and to determine whether the core area of the community qualifies as a historical district. The inventory should identify significant buildings, structures, and sites; determine which resources contribute to the significance of any such district, and determine where the boundaries of such district are located.

This inventory would narrow the range of buildings and properties that warrant evaluation as potential historic resources.

CR-1(c) Archaeological Resources. At the time of application for discretionary land use permits or subdivisions that will involve any grading, trenching, or other ground disturbance within the 20-year growth boundary, the applicant shall retain a County qualified Registered Professional Archaeologist to complete a Phase 1 archaeological inventory of the project site. In addition to the surface survey, the inventory shall include sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present.

Any prehistoric or historic archaeological remains so identified shall be evaluated for significance and eligibility to the CRHR. Phase 2 evaluation shall include any necessary archival research to identify significant historical associations as well as mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit to characterize the nature of the sites, define the artifact and feature contents, determine horizontal boundaries and depth below surface, and retrieve representative samples of artifacts and other remains. Any excavation at Native American sites shall be monitored by a tribal representative. Cultural materials collected from the sites shall be processed and analyzed in the laboratory according to standard archaeological procedures. The age of the remains shall be determined using radiocarbon dating and other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication “Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)” (http://ohp.parks.ca.gov/pages/1054/files/armr.pdf). Upon completion of the work, all artifacts, other cultural remains, records, photographs, and other documentation shall be curated at the Repository for Archaeological and Ethnographic Collections of the University of California, Santa Barbara, or another facility approved by the Environmental Coordinator. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.

If any of the resources meet CRHR significance standards, the County Environmental Coordinator shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and any permits issued for development. Any necessary data recovery excavation shall be carried out by a County qualified Registered Professional

Archaeologist according to a research design reviewed and approved by the County Environmental Coordinator prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), *Guidelines for Archaeological Research Design*, or the latest edition thereof.

CR-1(d) Infrastructure Development. Development of sidewalks, drainage structures, parking facilities, or the installation of underground utilities in Shandon shall be done in a manner that preserves the integrity of historical resources, as feasible. Plans for any such development shall be reviewed by the County Environmental Coordinator or a designated historical consultant. If necessary, Phase 1 archaeological or historical surveys and Phase 2 testing and evaluation shall be completed prior to development, following the same standards and guidelines as outlined under Mitigation Measure CR-1(c) above. Measures to avoid, reduce, or mitigate adverse impacts shall be incorporated into project design.

New recreational sites (parks, trails, and related developments) shall be sited and designed to avoid impacts to archaeological and historical resources. Prior to final approval, proposed recreation sites should be surveyed and redesigned where necessary to avoid archaeological or historical resources, subject to final approval by the County Environmental Coordinator.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact CR-1 in Section 4.5, *Cultural Resources* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

G. Drainage, Erosion and Sedimentation (Class I) – No Class I Impacts.

H. Geologic Hazards/Site Alteration (Class I) – No Class I Impacts.

I. Land Use (Class I)

1. **Impact LU-1: Conflicts with Existing Plans, Policies, or Regulations.** The Compact Development Alternative would be potentially inconsistent with two of the eight Strategic Growth Principles and one Public Services Policy in the County's Land Use Element; two of the three applicable policies in the Agriculture Element, two of the three Cultural Resources policies, the Open Space Resources, and two of the four applicable policies in the Noise Element. These potential inconsistencies result primarily from significant impacts of the Plan to agriculture, noise, public services (libraries), traffic, and greenhouse gas emissions. Impacts related to these inconsistencies would be Class I, significant and unavoidable.

a. Mitigation –

Measures described in Sections 4.1 through 4.15 of the Final EIR would mitigate impacts related to conflicts between the San Luis Obispo County General Plan and the Compact Development Alternative. No further mitigation is recommended in order to reduce this impact.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact LU-1 in Section 4.8, *Land Use,* Section 6.3.2 in Section 6.0, *Alternatives,* and Appendix B, *Policy Consistency,* of the FEIR.

J. Noise (Class I)

1. **Impact N-2: Long Term Operational Noise.** Cumulative baseline plus project noise levels along SR 41 would exceed the County's 65 dB(A) Ldn residential threshold for outdoor activity areas at all studied roadway segments of SR 41, except between First Street and Toby Way. Existing sensitive uses include several residences to the south of SR 41 between Centre and First Streets, Crawford. W. Clarke Memorial Park, Shandon Middle/High School, and several residences from First Street to Toby Way and from Toby Way to SR 46. Existing sensitive receptors along SR 41 would be exposed to noise levels exceeding the County's 65 dB(A) Ldn residential threshold upon buildout of the Compact Development Alternative. Impacts to these existing sensitive uses along State Route 41 would be Class I, significant and unavoidable. Impacts to proposed uses and other existing sensitive receptors along other roadways within the Compact Development Alternative area would be either Class III or Class II and are discussed in Section IV or V, respectively.

   a. Mitigation –

   N-2(a) Supplemental Noise Study and Abatement for Affected Existing Residences. Prior to issuance of land use permits for new residential subdivisions under the Compact Development Alternative, a supplemental noise study shall be provided to Planning and Building that quantifies projected interior and exterior noise levels at outdoor activity areas, accounting for construction type, distance from roadway, local topography, and shielding by existing buildings, for affected existing sensitive land uses along SR 41. If the County's 65 dB(A) exterior noise standard or 45 dB(A) interior noise standard is determined to be exceeded due to project development, applicants shall contribute their fair share toward a County-administered fund for construction of masonry sound walls to abate excessive exterior noise, and/or to enable existing residents to retrofit their homes with

noise-reducing building measures to abate excessive interior noise. Noise reduction may be achieved through measures including, but not limited to:

- Installation of doors with a minimum Sound Transmission Class (STC) rating of 50;
- Installation of commercially available windows with STC ratings of 32 or higher;
- Baffling of roof or attic vents; and/or
- Masonry walls between roadways and affected outdoor activity areas.

If masonry walls are required, then long expanses of walls or fences shall be interrupted with offsets and provided with accents to prevent monotony. Landscape pockets and pedestrian access through walls should be provided.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact N-2 in Section 4.9, *Noise,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

K. Public Safety (Class I) – No Class I Impacts.

L. Public Services and Utilities (Class I)

1. Impact PS-5: Public Libraries. The Compact Development Alternative does not include the provision of a new library, and the funding for such facilities is uncertain at this time. As development incrementally occurs under the Compact Development Alternative, library services would be increasingly impacted and the population of Shandon would be inadequately served until such library services are provided. Future project applicants would be required to pay impact mitigation fees in accordance with the *County of San Luis Obispo Public Facilities Financing Plan for Unincorporated Area Facilities* (updated April, 2006) prior to the issuance of a building permit. Payment of these fees would contribute to the provision of additional library materials or new or expanded facilities as needed to accommodate potential growth. However, impact mitigation fees would be incrementally collected as development occurs under the Compact Development Alternative and only partially offset impacts. Because a new or expanded library is currently needed, the population of Shandon would not have access to adequate library services until an adequate amount of impact mitigation fees have been collected and additional funding sources have been identified to support the construction of a new or expanded library. Nonetheless, because the Compact Development Alternative would further exacerbate inadequate library services, the funding for new or expanded facilities is uncertain and the population of Shandon would be served by inadequate library

services for an undetermined amount of time, impacts to library services would be Class I, significant and unavoidable.

a. Mitigation –

No mitigation measures are feasible beyond payment of impact mitigation fees as required by the County of San Luis Obispo.

b. Findings – Changes or alterations cannot be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. Impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact PS-5 in Section 4.11, *Public Services and Utilities,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

M. Recreation (Class I) – No Class I Impacts.

N. Transportation, Circulation and Traffic (Class I)

1. Impact T-1: Circulation System Impacts. The following intersections are projected to operate at LOS D or worse under Cumulative Base (Year 2030) Plus Project AM, PM, and/or Friday PM peak hour conditions:

- West Centre Street-McMillan Canyon Rd/SR 46;
- East Centre Street (SR 41)/SR 46;
- US 101 Southbound Ramps/SR 46 East;
- US 101 Northbound Ramps/SR 46 East;
- SR 41/West Centre Street;
- First Street/East Centre Street (SR 41); and
- Toby Way/East Centre Street (SR 41).

In addition, the SR 46 East segment between West Centre Street-McMillan Canyon Road and East Centre Street is projected to operate at LOS E or worse under Cumulative Base (Year 2030) Plus Project AM, PM, and Friday PM peak hour conditions (on a percent-time-spent-following basis). In addition, the West Centre Street segment between SR 46 and SR 41, if regarded as a "two-lane collector/local street" (per the 1981 circulation map), is projected to operate at LOS E under Cumulative Base (Year 2030) Plus Project; however, with functional reclassification as a "two-lane arterial" (consistent with adjacent segments) the segment is projected to operate at LOS C conditions under Cumulative Base (Year 2030) Plus Project. The remaining study roadway/highway segments are projected to operate at LOS C or better under Cumulative Base (Year 2030) Plus Project conditions.

If the construction and occupation of residences occurs prior to completion of recommended improvements, existing deficiencies and associated impacts would remain. Although proposed mitigation would reduce impacts to the extent possible, improvements that fall within Caltrans right-of-way would be subject to Caltrans approval and therefore timing and implementation of the recommended Caltrans improvements are not guaranteed at this time. In addition, Caltrans does not have a set of parameters that is required to be met to install a traffic signal on a highway corridor if it is not consistent with its long-term planning concept/vision for that corridor. In other words, although there is no Caltrans policy that strictly prohibits their acceptance of signalization on highways or other

improvements that do not directly adhere to their policy goals for a corridor, Caltrans reserves the right to deny a traffic signal even if one or more signal warrant criteria are met. As a result, impacts to local intersection operations would remain Class I, significant and unavoidable.

a. Mitigation –

T-1(a) Development Funding Mechanism for Traffic Improvements Within the Plan Area. As part of the Compact Development Alternative, a funding mechanism shall be established to construct and implement necessary improvements identified in mitigation measures T-1(c) through T-1(e). The funding mechanism shall consist of either an area-wide fee where applicants for future development will be required to pay impact fees or a requirement that future applicants "front" the cost of the improvements and be reimbursed as land uses are developed.

T-1(b) Development Funding Mechanism for Traffic Improvements Outside the Plan Area. A funding mechanism shall be established to construct and implement necessary off-site improvements located within the City of Paso Robles identified in the February 2010 Wood Rogers Transportation Impact Study (i.e., widening of SR 46 and improvements to the SR 46/ US 101 interchange). Regional projects that shall contribute their fair share of fees are those which would utilize SR 46 as their primary access to urban services. The fee mechanism would be developed by the County. The funding mechanism shall consist of either an area-wide fee where projects that are located within the Study Area will be required to pay impact fees that would be provided to the City of Paso Robles or a requirement that applicants for future applicants "front" the cost of the off-site improvements and be reimbursed as land uses are developed. A preliminary fair-share estimate for the planned future SR 46 East grade-separated interchanges at Jardine Road, Union Road, and Golden Hill Road is included in Table 1 of Appendix F, Transportation Impact Study.

T-1(c) West Centre Street-McMillan Canyon Road and SR 46 East Improvements. Future applicants for development under the Compact Development Alternative shall pay fair share fees to construct a grade-separated interchange at the intersection of West Centre Street-McMillan Canyon Road and SR 46 East. As an alternative, future applicants shall provide for:

- A traffic signal;
- Intersection modifications, including dual northbound left-turn lanes, a single northbound shared through-right lane, and a dedicated southbound left-turn; and
- A dedicated right-of-way footprint to allow for construction of a future grade-separated interchange at West Centre Street-McMillan Canyon Road and SR 46 East.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A Project Study Report (PSR) and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

T-1(d) East Centre Street (SR 41) and SR 46 East Improvements. Future applicants for development under the Compact Development Alternative shall pay fair share fees to construct a grade-separated interchange at the intersection of East Centre Street (SR 41) and SR 46 East. As an alternative, future applicants shall provide for:

- A traffic signal;
- A northbound right-turn lane (overlap right-turn phase); and
- A dedicated right-of-way footprint to allow for construction of a future grade-separated interchange at East Centre Street and SR 46 East.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A PSR and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

T-1(e) Centre Street Two-Way Left-Turn Lane. Future applicants for development under the Compact Development Alternative shall pay fair share fees into a funding mechanism established to widen the two-lane arterial segment of Centre Street from First Street through Toby Way, including both of these streets intersections with Centre Street, to provide a continuous two-way-left-turn median lane (TWLTL) in order to provide for adequate turn-lane movements/ storage at key intersections and mid-block locations. This improvement shall include southbound left-turn channelization on First Street approach to Centre Street. Addition of a TWLTL for this segment mitigates the need for signals at First Street and Toby Way.

As these improvements would occur within Caltrans jurisdiction, an encroachment permit from Caltrans would be required if the cost of the improvements is less than three million dollars. A PSR and encroachment permit from Caltrans would be required if the cost of the improvements exceeds three million dollars.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact T-1 in Section 4.13, *Transportation, Ciculation and Traffic,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

O. Water and Wastewater (Class I) – No Class I Impacts.

P. Greenhouse Gas Emissions (Class I)

1. **Impact GHG-1: Greenhouse Gas Emission/Global Climate Change.** The Compact Development Alternative would have a significant impact on GHG

emissions if it would exceed the 10,000 tons CDE/year threshold, or if it would be inconsistent with the GHG reduction strategies in the 2006 CAT Report or the 2008 Attorney General's Greenhouse Gas Reduction Report. The Compact Development Alternative would emit 148,882 metric tons CDE/year, which would exceed quantitative thresholds. The Compact Development Alternative would be consistent with the GHG reduction strategies set forth by the 2006 CAT Report and the 2008 Attorney General's GHG Reduction Report. However, due to combined emissions in excess of CAPCOA's suggested thresholds, the Compact Development Alternative's contribution to cumulative GHG emissions and climate change would be Class I, significant and unavoidable.

a. Mitigation –

Mitigation measures AQ-1(a) and AQ-3(a) in Section 4.3, *Air Quality*, of the Final EIR would reduce GHG emissions from the Compact Development Alternative; however, no additional feasible mitigation measures are available.

b. Findings – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the Shandon Community Plan and included as standards in Article 9 of the Land Use Ordinance. Measures related to future land divisions and development activities will be implemented in connection with applications for land divisions, land use and construction permits. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. Supportive Evidence – Please refer to Impact GHG-1 in Section 4.15, *Greenhouse Gas Emissions,* and Section 6.3.2 in Section 6.0, *Alternatives,* of the FEIR.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15092 and 15093.

A. The Compact Development Alternative's significant, unmitigable, unavoidable adverse effects are as follows:

1. The Compact Development Alternative would permanently convert agricultural land to non-agricultural uses and conflict with Williamson Act contracts.
2. The Compact Development Alternative would result in the construction of a wastewater treatment plant, which would emit uncontrollable nuisance odors and thereby adversely affect nearby residential uses.
3. The Compact Development Alternative would result in a potentially significant impact on historical resources through damage to or destruction of significant properties, or by diminishing the integrity of the context and setting of such properties within the historical core of the community.
4. The Compact Development Alternative would conflict with several existing County plans, policies and regulations.
5. The Compact Development Alternative would expose existing sensitive receptors along SR 41 to noise levels in excess of the County's 65 dB(A)

exterior noise level threshold.

6. The Compact Development Alternative would further exacerbate inadequate library services and the population of Shandon would be served by inadequate library services for an undetermined amount of time.
7. The Compact Development Alternative would cause several intersections and roadway segments to operate at unacceptable Levels of Service (LOS D or worse)
8. The Compact Development Alternative would substantially exceed the 10,000 metric tons of CO^2E threshold for Greenhouse Gases.

B. Findings – The County has weighed the benefits of the Compact Development Alternative against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the County finds that the benefits of the project outweigh its unavoidable adverse environmental impacts.

C. Supporting Evidence

1. Social, Economic and Environmental Benefits. The Compact Development Alternative would result in the following social, economic, and environmental benefits:
    a. Provide economic and social benefits to San Luis Obispo County in the form of job creation, increased spending, and sales tax revenues.
    b. Commercial retail and office components of the Compact Development Alternative would generate approximately 2,293 new jobs and commensurate economic activity in the Shandon area (based on the County of San Luis Obispo's Public Facilities Financing Plan factors of two employees per 1,000 square feet of retail space and 3.33 employees per 1,000 square feet of office space).
    c. Retail commercial and office uses of the Compact Development Alternative would provide jobs within the local area for the additional residents generated by the Compact Development Alternative.
    d. The Compact Development Alternative would add approximately 3,894 new residents in Shandon. These new residents would increase activity in existing and new retail establishments. The increase in economic activity generated by the new residents in the Study Area would increase the demand for services, such as restaurants, gasoline stations, landscaping/gardening, home cleaning and maintenance, and other domestic services.
    e. The Compact Development Alternative would feature several characteristics that would reduce transportation average energy demand, including: compact development, pedestrian and bicycle connections, walkability, mixed-use development, and public transit opportunities.
    f. The Compact Development Alternative would provide land uses that contribute to an orderly, appropriately scaled and economically healthy village center with a range of commercial, residential, civic, cultural and recreational uses.

g. Development in accordance with the Community Plan will provide high quality new housing and non-residential development that will complement the existing housing stock and built environment.

2. Mitigation Enhancement. The Final EIR contains mitigation measures that will substantially lessen the significant effects of the project. The following are some of the more substantial environmental offsets of the mitigation measures:

   a. Creation of an easement to provide agricultural conservation as development projects occur on agricultural lands. Agricultural land is to be replaced at a ratio of 1:1 for direct impacts and 0.5:1 for indirect impacts.

   b. New residential subdivisions under the Compact Development Alternative are to prepare a noise study that quantifies projected interior and exterior noise levels for affected existing sensitive land uses along SR 41 to ensure noise thresholds are not exceeded.

   c. Development of a funding mechanism and provision of funding for traffic improvements including various improvements west centre Street-McMillan Canyon Road and SR 46 East, improvements at East Centre Street (SR 41) and SR 46, and a two-way left-turn lane at Centre Street.

3, Mitigation Measures Not Adopted. None of the mitigation measures recommended in the Final EIR for the Compact Development Alternative have been excluded.

4. Alternatives. The Compact Development Alternative is revised from the orignally-proposed Shandon Community Plan as analyzed in the Final EIR. The Compact Development Alternative is recommended because it would be environmentally superior to all other alternatives, except the No Project alternative. The Compact Development Alternative would result in a 35.3% reduction in development potential compared to the originally-proposed Community Plan and would revise the proposed 20-year growth boundary to exclude several areas compared to the Community Plan, including the Fallingstar Phase II area near the eastern boundary of the plan area, agricultural lands near the western boundary, and several low-density residential parcels to the south of Peaceful Valley Lane. Based on the reduced land area, the Compact Development Alternative would reduce impacts related to long-term site disturbance impacts (such as aesthetics, agricultural resources, biological resources, drainage, and geologic hazards) when compared to the originally-proposed Community Plan. The Compact Development Alternative would also reduce four significant and unavoidable impacts, including visual character changes, alteration of scenic views, and CAP consistency to a lesser level of significance, when compared to the originally-proposed Community Plan. Accordingly, the originally-proposed Community Plan has been rejected.

   The following project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:

   - **Alternative 1: No Project/No Development.** The No Project/No Development Alternative is considered environmentally superior overall, since no development that could result in significant environmental

impacts would occur. However, this alternative would not resolve ongoing water quality issues related to the concentration of septic systems in the community. This alternative would not add amenities for which the community has expressed a desire. As this alternative would facilitate no changes to the local circulation system, it would not address impacts relating to regional traffic growth, which the County does not control, nor would it add bike lanes, pedestrian, facilities, or other circulation system improvements. The failure to facilitate the construction of additional housing and non-residential development could potentially result in overcrowded conditions within the existing housing stock and decreased job opportunities and/or retail shopping opportunities for local residents. This is a purely hypothetical alternative that is not realistic given that even if a Community Plan update is not adopted, property owners ~~in Lompoc~~ would retain the development rights they have under the current Community Plan. In addition, this alternative would not result in commercial demand to support the establishment of community-serving commercial uses that would incrementally reduce average commute and retail trips. This alternative would not meet any of the identified Community Plan project objectives. Therefore, this alternative is not considered feasible (from either a legal or practical standpoint).

- **Alternative 2: No Project/Existing Zoning.** The No Project/Existing Zoning considered environmentally superior to the proposed Compact Development Alternative since development potential would be approximately 65% when compared to the Shandon Community Plan. However, this alternative, similar to the No Project/No Development Alternative, would not resolve ongoing water quality issues related to the concentration of septic systems in the community. In addition, this alternative would not result in commercial demand to support the establishment of community-serving commercial uses that would incrementally reduce commute and retail trips. This alternative would not meet any of the identified Community Plan project objectives. Therefore, this alternative is not considered feasible.
- **Alternative 4: Agricultural Priority.** This alternative is environmentally inferior to the Compact Development Alternative. This is due to the increase in buildout potential compared to the Compact Development Alternative (27.3%). Although the Agricultural Priority Alternative would eliminate significant impacts to agricultural resources and land use, when compared to the Compact Development Alternative, it would result in three additional Class I, significant and unavoidable, impacts (visual character changes, alteration of scenic views, and CAP consistency).
- **Alternative 5: Reduced Project.** This alternative is environmentally inferior to the Compact Development Alternative. Although it would reduce both the number of residential units and non-residential buildout compared to the Compact Development Alternative, it would expand the 20-year growth boundary, thereby resulting in a 35.9% increase in developable land. Therefore, impacts related to long-term site disturbance (such as aesthetics, agricultural resources, and biological resources) would all be worse under the Reduced Project Alternative. The Reduced Project Alternative would result in two additional Class I, significant and

unavoidable, impacts (visual character changes and alteration of scenic views) when compared to the Compact Development Alternative.

VIII. CEQA GENERAL FINDINGS

A. The County finds that changes or alterations have been incorporated into the program to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII.

B. The County finds that the program, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

A. The County of San Luis Obispo will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

- *Prior to Community Plan adoption.* These are measures where the Community Plan text was revised due to the EIR analysis prior to adoption of the Plan.
- *Prior to building permit issuance*. These are measures where the County needs to review and approve proposed plans of individual projects before they are constructed.
- *Prior to grading permit issuance*. These are measures where the County needs to review and approve proposed plans of individual projects before grading commences.
- *Prior to land use permit issuance*. These are measures where the County needs to review and approve proposed plans of individual projects prior to issuance of any land use permit.
- *Prior to final recordation.* These are measures where the County needs to review and approve proposed plans of individual projects prior map recordation of any subdivision.
- *Prior to occupancy clearance.* These are measures were the County needs to site inspect plans prior to occupancy clearance.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA.

B. As lead agency for the Shandon Community Plan Update and San Juan Village (Fallingstar Phase I) Project Final EIR, the County hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.